

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, JULY 25, 2008, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.**

**I. CALL TO ORDER**

Chairman Pete Liakakis called the meeting to order at 9:30 a.m., Friday, July 25, 2008.

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**II. INVOCATION**

Commissioner David Gellatly gave the Invocation.

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**III. PLEDGE OF ALLEGIANCE**

All gave the Pledge of Allegiance to the Flag of the United States of America.

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**IV. ROLL CALL**

The Clerk called the roll.

Present:           Pete Liakakis, Chairman  
                      Dr. Priscilla D. Thomas, Vice Chairman, District Eight  
                      Dean Kicklighter, Chairman Pro Tem, District Seven  
                      Helen L. Stone, District One  
                      James J. Holmes, District Two  
                      Patrick Shay, District Three  
                      Patrick K. Farrell, District Four  
                      Harris Odell, Jr., District Five  
                      David M. Gellatly, District Six

Also present:       Russell Abolt, County Manager  
                      Jonathan Hart, County Attorney  
                      Sybil E. Tillman, County Clerk

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**RECOGNITION OF GUESTS**

Chairman Liakakis said, I will call on Commissioner Holmes to recognize a group that's with us today.

Commissioner Holmes said, thank you, Chairman Pete Liakakis. With us today in the back over there is a group of young men getting involved with crimes and drugs, and that group with us is the Eastside Concerned Citizens Youth Leadership Council under the leadership of Mr. Freddie Patrick. And I want to say to all of you all that when you take the time out and come and learn about government work, we surely appreciate that effort, and as you know in the Second District there's a lot of crime and drugs going on. All of you all could have been involved with some sort of negative, but instead you choose the positive, and I want to say thank you for your attendance. And, Freddie [Patrick], I would like to say to you and the group if anything the youth have not learned in this process today about government, jot down the questions and, Freddie, I would like to come over with some of my colleagues and we can have a

government town hall meeting. So any question that they didn't learn today or what they didn't learn, jot it down and we can come over to W. W. Law and those questions can be answered. Thanks for y'all's attendance today.

Mr. Freddie Patrick said, [inaudible]. Commissioner Holmes said, come up to the mike. Mr. Patrick said, thank you very much for the recognition for our young people. I just want to take this opportunity to recognize Ms. Cynthia Kennedy, who is our Coordinator and works very diligently with them. Thank you very much.

Chairman Liakakis said, Freddie, just stand by a minute. I've been a member of the Eastside Concerned Citizens Organization for a long period of time, but I'd also like to thank you because with your leadership over the years, you have one of the outstanding neighborhood associations that really reaches out and you have tremendous programs within the Eastside, you know, whether it happened to be something for senior citizens, of course, for your great group of teenagers that are here that belong to this particular group, and the other things, the afternoon programs and all of the things that you have put into place, and you have been getting funding even from Annie Casey because they saw what a great job that you and the citizens have been participating in. So on behalf of the County Commission, I'd like to thank you very much for your leadership, your dedication and your loyalty to helping people in that area, and especially the young people and the senior citizens.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, thank you. I just want to say thank you to Freddie [Patrick] for the wonderful work and the leadership that you have shown throughout the years. I get a lot of information from the Eastside Concerned Citizens quite often and today I am really excited about seeing these young people who are doing wonderful things, and I want to challenge you to continue that. I want to also offer our support from the Chatham County Youth Commission, as well as the Summer Bonanza Partnership Program, which is under the County's tutelage. Anytime that we can support you in any way, if you would like to come and work with us on some of the workshops that we have for our young people, we will be more than delighted to have you come and share in those summits, as well as other programs. Mr. Patrick said, thank you very much. Thank you.

Commissioner Odell said, we're not finished yet, Freddie. Mr. Patrick, a personal thanks. When I was elected, you were involved. I attended one of your graduations. It is imperative that we have people in the community that see the problem and realize that it's not a quick fix, that it takes time, takes years, and you've been one of those partners. You spent the time, you spent the years. I have people who come and will say that they've gone through your program and gone through the Summer program, and it gives a community pride which most communities 35 years ago had. You're helping to put back human pride, achievement, goal directiveness in our young people. I hope you live to get 200 because we need you and we appreciate what you're doing in all sincerity. Mr. Patrick said, thank you very much.

Chairman Liakakis said, thank you, Freddie. Mr. Patrick said, thank you.

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## **V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

### **1. CHATHAM COUNTY SAFETY NET PLANNING COUNCIL 2007 ANNUAL EVALUATION (APPROXIMATE 15 MINUTE PRESENTATION BY DR. DIANE WEEMS, COUNCIL CHAIR; TRACY THOMPSON, CHAIR OF THE COUNCIL'S EVALUATION COMMITTEE; AND LAUREN MILMINE, STUDENT INTERN).**

Chairman Liakakis said, Doctor, if you would come to the microphone.

Dr. Diane Weems said, good morning. Chairman Liakakis said, good morning. Dr. Weems said, I first would like to once again thank the council because you are the body that authorized the formation of this council in 2004. Just as a reminder, the council is made up of all of our key health care providers who provide care to the uninsured and under-insured. That includes both our hospital systems, our safety net clinics that see a great many of these patients. We have private physicians, a dentist represented, we have private nonprofit agencies which provide health care or health care support services, United Way, City and County governments and consumers. The group, when initially authorized, was asked to look for opportunities to leverage your investment in health care, to bring in additional resources, and to maximize the efficiency of the delivery of health care, particularly to this population and to improve health outcome, and I think we've done a pretty good job doing that. To this date, this has been an all volunteer effort and it's been chaired by public health, it has been viewed by our various proprietors as a neutral convener for this body.

Dr. Weems said, today what we'd like to do is bring to you the summary of our 2007 evaluation of that health care system to exists in our community. I would like to think we've addressed in this report some of the concerns you voiced when we did this last year. We heard you loud and clear. We'll talk about who we are serving from this County and

who's not, and I think what we're doing is we are learning and getting better every year at what we need to ask, the questions we need to ask.

I would like to now introduce Tracy Thompson, who chairs the Evaluation Committee. Her day job is as Director of Policy with Memorial Health University Medical Center and, like so many, she devotes a significant amount of her time and her own personal time to her responsibilities on the council. I'd also like to ask her to stand up and be recognized is Lauren Milmine. Lauren is a Masters candidate student for a Masters in Public Health at Georgia Southern University and as part of her internship has devoted an incredible amount of time to this project under the direction of Tracy Thompson, and I want to thank Lauren personally. I will tell you sometimes you have paid internships, but she hasn't been paid anything, but she's gotten wonderful experience. So, thank you, Lauren. And with that, I'm going to turn it over to Tracy Thompson.

Ms. Thompson said, good morning. So the 2007 Safety Net Evaluation, the purpose of this evaluation is really to access the community needs and trends and identify and quantify the key existing resources, and we hope also in this process to identify gaps and recommend what the priorities are for the County. The way that we do this is that we collect voluntary submitted — voluntarily submitted data from the partners who provide services and we also collect publicly available data and analyze it.

These are the — this is the list of the Safety Net provider members, the members who actually provide services to the targeted — the population we're interested in. You can see a list of the — there are actually five clinics. Good Samaritan, the last one, is small and just barely started in '07, so it was not included in this analysis. Both hospitals gave lots of data and the targeted serves and the support services there you see listed as well. SABHC, the last one, also was unable to give data this year, but both of those who were unable to give data will be included next year.

This first slide gives you a glimpse at how the different — the four major clinics, which include J. C. Lewis, Curtis Cooper, Community Health Mission and St. Mary's, have done over the time that we've been collecting data. Curtis Cooper you'll see an extended — they obviously still provide the majority of visits to this population, but you also see growths in the Community Health Mission and J. C. Lewis Centers. The dip in Curtis Cooper, which looks like they're losing visits, is actually the fact that they entered into an agreement with Memorial Health for Memorial to do the in-patient visits and Curtis Cooper to do — focus on what they do best, which is the out-patient. And so previously they counted the hospital visits as visits, and that shows — that is why we did the projection which shows you that the dip isn't actually a lost of visit.

Here is some of the data from the hospitals. Looking at each of the hospitals by their payor source, you can see the red line, which is the self-pay population, that's anyone who has no insurance at all, and then the green line is Medicaid. I ask you to focus on those. With both hospitals you see an increase in self-pay, fairly dramatic for both hospitals, and the Medicaid population has decreased. Part of this is because of State policies that has forced the enrollment in Medicaid to decrease over the last couple of years.

This is looking at the primary care emergency department visits. The reason we did this is because, of course, a car accident or a gunshot wound can't go to a clinic. It has to go to a hospital. So when we're looking at the emergency department, we really want to look at those visits that could have gone to a clinic if the patient had chosen to do that or had been able to do that. So here you'll see Memorial and St. Joe/Candler looking at this by payor source. To define the primary care emergency department visits, both hospitals agreed on the definition and we pulled the data in the same manner. The way we defined it was any patient who came to the emergency department who was not admitted as an in-patient and who was defined by a clinician as Acuity Level I or II, which are considered the least — the least — I can't think of the word — the least sick, I guess, yeah, of those patients. So this gives you an idea of the fact that there are a lot of patients in Medicaid, Medicare and self-pay who were coming to the emergency department for visits which could be handled in clinics or at a doctor's office.

Commissioner Odell asked, may I ask you a question? Ms. Thompson said, yes sir. Commissioner Odell asked, can you flip back to the chart? Ms. Thompson said, sure. Commissioner Odell said, to me it appears that it would be interesting to note the timing of the — doctors' offices tend to be open during regular visits, and if you have an emergency — a child complaining of a serious earache or something — you might tend to go to the emergency night if you think it's something that could not wait. So do we look at times? Ms. Thompson said, yes sir. You'll see that slide further back. Commissioner Odell said, oh, great. Anticipation. Ms. Thompson said, okay. Yes, perfect question.

Ms. Thompson said, this gives you a snapshot of the unduplicated patients, so we measure by two different manners. One is looking at the visits, so obviously a visit can be — one patient can be responsible for multiple visits — and then we look at how many patients. So this gives you an idea of the patients by provider and insurance status. We define uninsured, which means no insurance at all. Insured includes Medicaid, Medicare, or private insurance. So this gives you a snapshot of who these different clinics are serving.

The next slide shows you the unduplicated patients by ethnicity and it also includes the hospital data by ethnicity. To give you an idea, the African-American and Hispanic populations are — compared to those representation in the population of Chatham County — are heavy users of these services.

Clinical outcomes. This is to give you a snapshot. You'll see in the full report, more in detailed information, but this is to show you some of the data that we did trying to compare clinical outcomes among the different providers. And then, of course, we go into data for the support services, which includes an HIV Clinic, Med Bank, which provides free medications, and the Community Cardiovascular Council, which specifically tries to treat patients with cardiovascular disease.

Ms. Thompson said, so I'm going to move through to the key findings and recommendations with hopefully one or two slides for each one. So the first recommendation is to expand existing capacity and which may or may not mean consider investing in a new point of access. This shows you a needs assessment. We took all of the data, all of the clinic visits for all of the clinics as well as the hospitals' primary care and tried to get a measure of what is the market demand. So you can see in the first slide on the left the clinics are mostly dealing with — the clinics deal with about two-thirds of that demand. The hospitals are dealing with about one-third of that demand, but at the bottom yellow line shows you that that's the market demand and the growth over time. So the market — meaning the need — of the community is increasing over time, and you can see most of that is handled by the clinics.

In the slide on the right, it gives you an idea of which providers are meeting how much of that demand, and again the Curtis Cooper line looks as if it goes down. You have to recognize that they are not receiving a reduction in visits, what you're seeing is that they don't hold all of the market like they did before. This implies that more shows you some of the new clinics are answering some of the new demand, if that makes sense.

Second, consider approaching other counties for support. Ninety-three percent of the patient visits that are handled by these clinics in town are handling patients from Chatham County. The other seven percent go to these counties, and you can see Effingham, Liberty, Bryan and maybe even Bulloch are especially using our services in Chatham County.

The third recommendation is to encourage the partners to reevaluate their practice models and consider the advantage possible with other models. Each of these clinics is unique and has its own demand. They serve different populations, they have different locations. All of these things make a difference in how they function, but in general we looked at what type of model are they using, and we divided it by is it a physician driven model, a mid-level driven model, or is it a mixture, and what we found is St. Mary's and Curtis Cooper are primarily physician-driven, Community Health Mission is primarily mid-level driven, and J. C. Lewis seems to be a mixture. When we compared these model types to the cost per clinical encounter, we seem to see a correlation between physician-driven versus mid-level driven. The ones with the higher costs were the physician driven. So our recommendation is to evaluate — is for each clinic to look at that and see if there might be a move to another model would work in their environment.

The data also suggested that — we went through and calculated the costs for the visits that went to the clinics. The estimated — the cost reported by each of the clinics totals to about \$4.5 million worth of care given through these clinic visits, and then we did a calculation estimating what that cost would have been if those patients had gone to the emergency departments instead of clinics, which totaled \$8.1 million. So it's a little less than half the price to go to a clinic as compared to a hospital.

The council chose to invest a lot of energy into creating more access to prescription assistance, and this report I think shows the results of that. We've seen a great increase in the patients who have access to prescriptions through our programs across the entire group, and we hope to continue building on that.

Five and six are kind of linked. The council received a grant from Health Care Georgia Foundation to start a Care Navigation Program, and that is an interactive case management system, which links all of the different providers together. That program continues to grow and we feel it is very successful. In addition, it gives us a nice base for the growth of information technology between the partners.

You can review this data. I'm not going to go through it, but it's the believe certainly of the council that the health information technology tying the partners together is something that we need to spend a lot of time on and that it has lots of benefits for all of the partners and for the community.

We also recommend investigating the implementation of a social marketing campaign. This is more or less an education campaign to try to help the patients understand the system and how best to utilize the resources that are available to them. This gets back to your question, Mr. Odell. This shows a division of the visits that have gone to both Memorial and St. Joe/Candler for primary care type visits divided by the time of day. Obviously, blue is for the evening and the yellow is during the daytime. The data suggests that the visits that have gone to both Memorial and St. Joe/Candler for primary care type visits divided by the time of day — obviously blue is from the evening and the yellow is during the daytime. The data suggests that most of the patients are coming during the hours when other —. Commissioner Odell said, facilities. Ms. Thompson said, yes sir. So we're not sure exactly why that is. We'd like to look into that further, but it could be any of the below — the capacity of the insufficiency in the community, they have no — they can't get in somewhere else, they may be unaware of the alternative resources, there may be some block to access, or it may be that the patients themselves prefer to go to the emergency department. So we're hoping to learn more about that in the coming year.

Ms. Thompson said, we also recommend the development of a specialty care volunteer and referral network. There is a lot of concern with access to specialists in these two slides you can see at the bottom of the bulletin list are the

ones that patients — clinics had an especially hard time getting their patients in to see when the patient needed access to a specialist, and you can see the data, we're learning from our partners who are trying different things to access, we're hoping to build on that information as we move forward.

And finally, the recommendation is to staff the council to maximize its potential.

Chairman Liakakis said, Diane [Weems], before you get started, how about these — where people are coming from these other counties, especially where we see that very large amount in that beginning graph over there. What contact has been made to any of them about them coming in and help sharing the costs or paying the costs of this because it's there particular citizens that are being treated in Chatham County, costing our local taxpayers. We understand and we want to make sure they get medical treatment and all, but the paying of that should be by those individual counties and we've got the documentation that those patients live in those particular areas, and what is the status on that?

Dr. Weems said, well, we do now finally have the data, and again this was the question the Commission asked last year. We heard you and we were able to pull the data, not only for the clinics but for our emergency departments in a uniform way, so we have no reason to believe that this isn't valid and good data. As we have finished up this report, this is a report that we plan to take, the two counties that seem to have the largest influx are Bryan and Effingham Counties. Liberty County, that did have some patients, is expanding their federally qualified health center. They have a center called Diversity Center that's growing, and at least we believe and we will monitor that and will be able to absorb the care for many of their patients, but Effingham and Bryan really lack resources other than public health departments, which really don't provide primary care. We are looking at a strategy which might include going first to boards of health to present this data because county government is represented on boards of health, and then approaching those counties to look at their ability to provide some support to the partners who are providing care to a significant number of their citizens.

Chairman Liakakis said, well, I think this is very important because we see the cost factors that the citizens of Chatham County that we're having to disburse these funds out and really and truly that contact should be made right away. I mean, you know, this question was requested last year and of course it took time to put all this data together, but I think that contact for these other, especially those two counties, should be made right away, and whatever we need as far as our helping with the group for the payment of that, the County will be glad to do that, but this is something that should be immediate.

Dr. Weems said, and I agree, and again we have the data now that not only we can take what we've got, because we also have those costs per visit, so what we can also provide those counties is not only here are the number of visits, but based on the data we have, here's how much it has cost Chatham County citizens to provide that care and, Mr. Chairman, you get right to the crux of some of our challenges. Briefly, we've been very successful, I think, with the all volunteer effort. We have been successful getting that initial grant. In 2007 we received a grant from Department of Community Health and another grant from HRSA, both that support health information exchange and health technology. The one challenge we've had is we're leaving lots of money on the table because we are all volunteers and all have other jobs and we have no dedicated director who can simply spend a hundred percent of their time on following up on all of these priorities where we believe for many of the recommendations there are grant resources out there, and because of our unique composition and successes so far, we stand very well poised to compete for those grants.

You have in front of you a publication that came out in 2008. This was funded by Health Care Georgia Foundation contracting with a well-known national firm called *Porter Novelle* out of Atlanta. It is a document, the first in a series highlighting the Health Safety Net in Georgia, it highlights the Chatham County Safety Net Planning Council as a model of success and particularly uses it as a case study one of our community health mission. Again, we believe this publication will help us leverage additional resources as well. The real challenge for us now is having that single individual who is dedicated to the work of this council so that we can leverage the resources that we think are out there to help us accomplish tackling some of these issues, which includes, Mr. Chairman, going to those counties to whom we're providing I think significant support and asking them to contribute their share to that care.

Chairman Liakakis said, well, what I'd like to see then is you get with our County Manager and see about, you know, who — should it be more than one individual that's speaking to their council people of their county concerning these cost factors and so that we can see, because if we have that additional money, then we can see — look to see —. How is our budget going right now?

County Manager Abolt said, Mr. Chairman, as you all know, you just adopted a budget that was well put together from the standpoint of a sound financial plan. We're just the first month into it. It's very difficult for us to decide how we might decide to fund the position. I did put in your packet a memo I sent to my staff after I met with Dr. Weems and Dr. Skelton. Their request came late. They apologized. Obviously, the opportunity must not be lost. My direction to staff is as we get through the fiscal year, we'll be looking at portions of money that may develop in the interim and realizing this is an excellent program. I also want to remind those watching that this would not have been possible had not this County Commission been so actively involved in NACo. This whole effort came about because recognized Chatham County, the amount of resources the talented people around here could work with indigent care and said here's some seed money but look at what you can do to coordinate it. From that involvement in NACo, from that grant, which was one of just a few nationwide, we have all of this. This is an outstanding program. The County pays, as we all know, millions of dollars just not as a government but also as a community for indigent care, and so it is certainly

a priority of mine as we progress through the fiscal year, and I'm asking Ms. Cramer particularly, to work with Dr. Weems and her staff so that we can cobble together enough money so that we can give them the resource to hire an executive director, maybe on a month-to-month contract, but allow them to make that next step because there's a lot of opportunity out there and a lot of money to be lost if we don't act.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, thank you, Mr. Chairman. First I want to thank Dr. Weems, who spear-headed this and make it abundantly clear all of the people working on this now volunteer from the various organizations. Dr. Weems is with the Health Department and, as most of my fellow Commissioners know, we are losing Dr. Martin, who I think Catherine's already gone — Dr. Weems said, she's gone. Commissioner Odell said, to the University of Georgia, so in the interim that means that Dr. Weems' plate is even stacked a lot higher.

What we have here is a economic problem and the economic problem is that we have an increasing number of people who are not insured. This Commission has made efforts to try to eliminate part of that, and I ask you all to recall when we considered best value, that anyone who did business with this County that you have to provide health insurance for your employees because what happened was when we built the Trade Center we had companies that came in from Memphis and Pennsylvania who brought in people and didn't insure them, so they attended our public schools, they got sick, they went to our health care institution, they didn't have insurance, and we paid for it. That's not a savings to our citizens. It's not a savings. So this Commission said: best value, we want to do a couple of things. What we want to do is we'd like to have people who live here to benefit from the money that's spent here and we can do that by eliminating a depressed area, and at that time it was Memphis and Pennsylvania outside of Philly, the major companies, they have to pay prevailing wage and they have to have certain things. We eliminated employee wages as being a factor so that these people could come in and low bid a contract, wouldn't pay their people and we ultimately have to be responsible for them. There was legislation passed which prohibited counties — in response to our action there was legislation that was passed to prohibit us from doing that, and we had hoped that our efforts would spread to the Board of Education and to the City of Savannah, and for all of you, you know that we have substantial development with the Board of Education where we're building new schools, improving the quality of education, and the City of Savannah through SPLOST with their multimillion dollar project, we were hopeful that they would adopt what this Commission had led.

I'm not certain if \$50,000 or \$100,000 is not something that we can afford to place on the back burner, and here's why I say that and with all consideration for staff. With the economy being near recession, we have a greater number of people who are becoming uninsured, unemployed. Those people's visits — will visit our two hospitals, St. Joe/Candler and I want to commend both of those facilities — Memorial Medical Center and St. Joe/Candler. I personally believe that they've done an excellent job and they've fulfilled some of the obligation, and we cannot turn people away. If you show up at Memorial Medical Center and you believe that it's an emergency, then we treat you. If you show up at Candler/St. Joe, insurance or no insurance, we treat you. Now at some point we're going to put that last straw that breaks the camel's back. What Dr. Weems — and I say this because I'm on the Health Department's Board of Directors, and I've been really pleased with the dedication I've seen by Health Department staff, especially Dr. Weems. I don't think we can afford to wait is my point. I think that there are things that we need to do. One thing that we need to do is there's potential grant money. There may be grant money from Hill-Burton, there may be federal grant money, but if we don't have a full-time designated person that this is their primary role, this is their primary goal, we're going to miss that opportunity. So our saving \$80,000 or \$100,000 ultimately could cost us an additional half million dollars. It will also cost us in getting to the point what we can sit down with Liberty County, Bryan County and Effingham County and say that it is not fair that the citizens of Chatham County are paying for your indigent citizens. You are elected officials, as we are. We are trying to fulfill our obligation. We are interested in a partnership whereas we don't mind bearing the responsibility, but the cost must be shared. It is unfair to the citizens of our community. Having a director moves us closer to having sufficient data so that we can speak to those various counties not only intelligently, but to exact as to what their issues, what their questions are. It is a leap forward that I think we need to make. I don't think it's later, I think it's sooner.

There's no motion on the floor. There's staff instruction to try to locate funding, and if I can secure a second, I will make the motion and I'll give the justification first. In addition to the things that I've already said, I believe that our expenditure of \$80,000 moves us closer in developing some equity between counties, number one. I believe that the expenditure of \$80,000 moves us to the point of determining potential federal and state and private aid. Those of us who visited NACo and secured the funding for this grant: Dr. Thomas, Pat Farrell — who's a little tired, he's the driver — and James Holmes. We spent a little amount of money, but because of the influence of our Commissioners, we got \$250,000 from NACo as seed money for this. It's a major leap ahead. My point is we have problems. The problems are not going to go away. The problems cost substantially more than the investment. We're going to make the investment, the only question is whether we make it now or whether we make it later. This is not something that we can afford to put off. This is not a frivolous, arbitrary or capricious expenditure. This is an expenditure where — and I see Russ [Abolt] agonizing because we've got a tight budget — but, Russ [Abolt], we've got a half a billion dollars and I'm going to make the motion for those reasons that we direct staff with all due haste to secure \$80,000 to be used in conjunction with the Safety Net Council and, in particular, Dr. Weems to procure a director and that that position be reviewed by the Director of Human Resources so that we will be insured that what we pay that person is comparable to what we pay the Director of the Drug Court, the Director of the Mental Health Court, and those are all good positions, good things.

Commissioner Holmes said, second. Commissioner Kicklighter said, second. Commissioner Odell said, I will accept that as a dual second from my Republican left and my Republican right.

Chairman Liakakis asked, any comments.

Commissioner Holmes said, let me ask a question. Commissioner Odell said, yes sir. Commissioner Holmes said, Diane [Weems]. Dr. Weems said, yes sir. Commissioner Holmes said, with the citizens that we're serving, not Chatham County citizens —. Dr. Weems said, sure. Commissioner Holmes asked, has that number been going up each year? Dr. Weems said, in fairness, Commissioner Holmes, this is our —, you know, you asked the question last year. This is our base line of collecting that data in a way that is uniform. I want to commend our two hospitals who collected data in very different ways, for sitting around the table with us when we said if it's not collected in the same way we can't use it. We can't go to other counties. This is the first year, Commissioner Holmes, that we've got this data in a uniform way where we can cost it out and we will be following it. So I cannot answer that question with certainty although I would expect, just as our numbers are going up, the number of insured are going up, I would expect that those numbers are going up, too, but I can't say that with certainty. It's a good question. We will be — now we know how to track and monitor that and we've got the cooperation from our partners to submit that data.

Commissioner Kicklighter said, Mr. Chairman. Chairman Liakakis said, just a moment. There's Patrick [Shay], he raised his hand long before you.

Commissioner Shay said, I don't mean to belabor this or make this an amendment to the motion. I think the motion is a very good one. I would like to commend you, you know, I'm a great fan of empiricism. I like counting, I like knowing that the data is meaningful. I like measuring outcomes in a very careful way. One of the things you made in your presentation though that I think that I would like to see addressed as part of this process is the evaluation of the practice models. There was data that suggested that although we know that you couldn't get any better care than you could in the care of a physician, that there are sometimes cases where people do not need to see a physician for primary care treatment, and I would like to see that given the pretty dramatic data that you presented in terms of what it costs per visit, that we also ask that this person, if the motion carries, check into how we might further evaluate the mid-level practice model.

Dr. Weems said, sure, and Commissioner Shay and all the Commissioners, we have the full report, copies with us. It is 70 pages long and I know — we didn't want to put that in your folders — but if anyone would like a hard copy today, we have one for each of you and it does go into more detail, both on that data and on the literature surge, and that's a good question. Yes?

Chairman Liakakis said, Harris [Odell] wanted to finish up and then Helen [Stone] and Dean [Kicklighter].

Commissioner Odell said, just two things. Currently, Patrick — of the two Patricks — Shay. Health care delivery system, even for those people who are insured, for the most part is governed by insurance companies and insurance companies often get a higher premium based upon the expenditure. So the sicker you are, the more money insurance companies make, which cannot be an incentive for health care much longer. We have been looking at different models that we will present to this Commission on our own employee health, which changes the dynamic. It is a new trend in thinking about health care delivery system. The goal is to keep people well, which is not the insurance model. Having said that, I would for the record ask just one last thing. That Memorial and St. Joe's, that the CEO's of both of the institutions be sent letters of thanks from the Chairman for their participation because we often talk about com-mu-nity activities and this is a community effort where we're all working together, and it's very seldom that good things that benefit the whole community are acknowledged and people say to you thank you for your participation. So what I'd like to see is the Chairman send to our primary partners, Memorial, St. Joe's and Candler, a letter of thanks for their participation in this program, which is a good thing, and our other partners, and I see our Board Director for Curtis V. Cooper Center, Mr. Miller, that we send them letters of thank you because finally in this community we're developing a system, and a system is where you have a beginning, a middle and an end. We're developing a system as far as health care and addressing those who are uninsured but improving our delivery of health care. But if I could just get a general consensus that the Chairman is authorized by the Commission to send letters of thanks to these people who, you know — Memorial did not have to have the Director to spend this kind of time on this program, but it benefits the community, number one. It also benefits Memorial if we can get some of the unnecessary — not unnecessary — some of the patients who could be seen in the primary care centers like Westside and others. If we could have them seen there, Memorial saves money, Westside saves money, the County saves money.

We do need, Diane [Weems], to think seriously about a public relations program so that we look at the issue, and the issue is going to a hospital is more expensive than going to Curtis V. Cooper, and we need to have people who need to be in the hospital to be in the hospital. If you don't need to be in the hospital and you need to be in primary care, you need to be in primary care, but we need to do more as far as education, and I know that Memorial and St. Joseph's are eager to help with that. They are biting at the bits, they are looking to help us do a public relations program to change the trend from being treated by a hospital, which it costs more because it's physician driven and it's trauma care driven than a primary care facility and you may be seen by a nurse practitioner, which I think is a good thing. And if we could have that within the next 60 to 90 days, that would be helpful, too.

Dr. Weems said, yes sir, and if I can add both hospitals have provided tremendous in-kind support from their top management level — senior managers, VP's — who have given their time to us either in collecting data, in coming

to meetings, as well as providing us some fiscal resources, both our hospital systems. This is one issue that we all have consensus on and that we could have not been where we are today without their support.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, thank you, Mr. Chairman. Dr. Weems, thank you very much and I really enjoyed your taking the time to meet with me this week and fill me in. I think it is imperative that we think beyond the norm as far as health care is going, and I agree with everything that's been said today. Education, education, education of having citizens seek primary care before they get to the point where it is critical care and they do need hospitalization, and I think that that's just going to take a lot of time. I heard you very clearly [CHANGING TAPES] is less than half of what it costs to go to the emergency room. I agree with the Chairman that we've got to seek assistance from other counties. It is not fair for our taxpayers to be picking up the burden here, and that's not right. I think that even within Chatham County, I am looking at anyway we can save money and, as I talked to you, I don't understand why we can't use our own health care facility, your clinic out on Eisenhower, as a clinic for Chatham County employees and build on this thing and make it a total cost savings throughout the County. So I am very grateful. I think this is definitely a step in the right direction. I think we can build on this. I think that it is again imperative that we think beyond the norm and that we do the best that we can to be innovative as far as cost savings and health care in this community. Thank you, Mr. Chairman. Dr. Weems said, thank you.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, thank you, Mr. Chairman. I just want to commend Dr. Weems for all of your work and everyone out there that's worked on this and also commend you on all of your work over the mercury spill. You did a great job there. It was because of your hard work on this that you now have the necessary documents to be able to go to the surrounding counties and everything, and I appreciate that and, like the Chairman said, I believe that any of us if needed would be willing to assist in whatever capacity you would like. In recent years we've had a pretty good relationship as far as trying to think, I guess, regional along with the local counties. One example is Effingham County came to us and they have an Effingham parkway project that they want to hurry up and connect into our County and it's probably not — wouldn't be on the benefit priority list for Chatham to rush our portion of it to connect in, but in realizing the problems that they're having, you know, the overall, you know, everything, we've kind of bumped it up. This Commission pretty much bumped it up on our radar to try to maybe speed it along a little bit because it would help that area so much. So it's that type of cooperation that I would hope they would return to us, you know, whenever we go to talk and I think you'll find a pretty good response because it is hopefully a give/give relationship that we have with the surrounding counties. So I appreciate all of y'all's support and your great work. Dr. Weems said, thank you very much.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, thank you, Mr. Chairman. Dr. Weems and Ms. Thompson, I appreciate y'all coming to this morning with your great presentation. I have three suggestions or comments, if you will. First, I believe that with the information you've gathered, that it would be appropriate at this time to hand over that information of the other counties to our County Manager on a quarterly basis so that this Commission could send a notice to our fellow Commissioners in the other counties and just give them a notice of what we're providing for their citizens and then have a request for reimbursement and perhaps do that on a quarterly basis going forward. The second is a question and my question is can the NACo drug card help in the prescription assistance to the public. I know we've been seeing a lot of that on the County level, and I don't know if we have shared that information or if that's applicable.

County Manager Abolt said, we're fortunate that our expert on that is standing before you at the mike. The Health Department is coordinating that.

Commissioner Farrell said, okay. I just didn't want that one to fall through the cracks when I heard you talk about upping the prescription assistance for the general public. And the third thing is a suggestion that perhaps when you have emergency department patients, after they received their service if there was somebody right then and there that could on an exit basis coach these folks that — and just heighten their awareness that if you came in to the emergency department perhaps make suggestions that, you know, if this same thing happened in the future, like you have the sniffles maybe you could use this primary care alternative, and that would be the most direct way of educating the public that is actually using the emergency departments is to have somebody there that could spend two or three minutes before the patients left and actually coach them as to their alternatives rather than taking a broad approach where we reach out to the entire community and try to educate everybody, and it's not everybody's that's going to the emergency room at ten o'clock at night because they have some minor ailment and don't know where to go. And if we don't have a primary place in Chatham County that's open until eleven or twelve at night, perhaps we should consider keeping one open if there's a lot of use at that time of night. It seems like the few times I've been in the emergency department there was a lot of sick kids in there along with a few people that really needed emergency care.

Dr. Weems said, I appreciate those comments, Commissioner Farrell, and in fact pediatric care is one of the areas we are particularly concerned about, why the choice to use the emergency room when in fact many of these visits are occurring when clinics and pediatricians — some of these children are insured under Medicaid or PeachCare, are choosing the emergency room. We are working through our care navigator program to try to do those redirects, but to be quite candid the hospitals, which two years ago had very significant resources in the emergency room to link their

social workers with our care navigator, with the financial challenges they are facing, the number of those individuals in all three of our hospital emergency rooms have significantly declined, and at the council level we are trying to look at how we can work with existing staff to strengthen that through our care navigator program. So I think those comments and suggestions are valid and we are concerned about those same issues, we have identified some potential grant funding to help us with some of those social marketing to targeted areas and zip codes that we know are utilizing the emergency rooms for that care. So I appreciate those comments and we will follow up on that. Thank you.

Chairman Liakakis said, Dr. Weems, instead of us, the County, having to pay for an individual, and that was a good suggestion by Commissioner Farrell though, it will save the three hospitals a considerable amount of money if they have one of their employees doing that because that way we are not getting into certain medical situations that are not — that are not available to the general public and for us to put in an individual over there. So I think this, I don't mind talking to the administrative heads of the hospitals — I'm friendly with both of them — and I'll be glad to do that, but I think the responsibility should be on them as opposed to the County paying for another individual to be doing that and staying there in the emergency room because we can see the basic thing is, look at the huge amount of money they're going to be saving if it takes on. Now I'd like to call on Commissioner Dave [Gellatly].

Dr. Weems said, could I provide one point of clarification. The Council's care navigator is not in the emergency room. She is in the community and receives referrals from hospital staffs and links those individuals, makes them the actual appointment and links them with medical. We do not have staff in the emergency rooms.

Chairman Liakakis said, no, I was talking about adding an additional person is what I was talking about, Dr. Weems, because it would be quite lengthy and all, and that's why I said let's contact the administrators of each hospital. Dr. Weems said, yes sir.

Commissioner Gellatly said, thank you, Mr. Chairman. I have a couple of observations and concerns. A couple of months ago I had a discussion with a person I know very well that works in one of the emergency rooms in a hospital. As a matter of fact, she does the paperwork when people come in. This particular hospital has a policy that if a person comes in and they are unable to speak either because of their injury condition or maybe they don't speak the same language, this person is counted as "Savannah, Address Unknown" because they can't communicate. I'd like to make sure this is not an ongoing problem or how they counter that. Also the same person told me they received a significant number of patients from particularly the Claxton area and Vidalia and that sometimes language is a problem and sometimes these people that show up are not a life threatening type thing. It could be severe colds or flu or things of this nature. Again, quite often because of language considerations, these people are inadvertently counted as Savannah, Chatham County, residents. Also, I would like to — just curious in these very rural areas, farming areas, what type of clinics do they have? What incentive would these rural counties to even have a clinic if they can just forward these people directly to Savannah area hospitals? Those are my questions.

Dr. Weems said, I can't answer the question about what's happening in registration in the hospital emergency departments. I will follow up with our hospital senior management because they certainly would want to know that because that information being valid is very important to them as well, and if that's happening I expect senior management is not aware that is happening, so we will follow up with them.

Commissioner Gellatly said, the person told me it was the policy of that particular hospital if you couldn't possibly communicate with a person and they just showed up on your doorstep, and sometimes that happens in emergency rooms, they have to have some kind of an address, and rather than just put "Address Unknown," they put "Savannah, Exact Address Unknown" and what I think the proper thing would be if you don't know, it should be "Unknown" period and at the end of the year you could tally that up based on all your other statistics and farm out where these — the probability of where these unknowns might have come from. And again I want to reiterate that I really have a concern that some of your very rural farming counties, do they have any incentive at all to have any kind of a clinic when they can just send them to Savannah and get it for free.

Dr. Weems said, the — Effingham County is looking at funding for — they would like to have funding to establish a federally qualified health center there. Their incentive is primarily is that there are federal funds available and dis-proportionately if you are in an under-served area, which includes those very rural areas, they are likely to qualify for funding for such a health center. I think the challenge in those areas is that you've got to have someone who has that desire and leads the charge and goes through the process of applying for the grant. In fact, what we see in very many very rural counties is that public health departments, county health departments are often the only resource for that community, and we do a great job providing for public health services, like immunizations and women's health services, and treatment of STDs and tuberculosis, but health departments do not have the resources nor or geared or designed to actually be a primary care provider. So what happens in many of those rural counties is the care that their citizens get is not comprehensive primary care. There are many grants at the state and federal level, however, which can be secured particularly in those under-served areas to build capacity in those counties. I think when you look, and again I would encourage you to at least if you took this full report and not read the whole thing, there is a breakdown at the end that looks at clinics and counties where folks are coming from. Those are generally counties where there aren't other resources. You'll see where we get no patients from and that's generally because they have built more resources within those communities, and sometimes it's just having the leadership in that county to go after the funding.

Chairman Liakakis said, Dr. Weems, what I'd like for you to do is get with our County Manager and myself so that we can approach these counties immediately because them getting grants and all of that, it could continue to cost the taxpayers of Chatham County a huge amount of money like the thousand upon thousands of dollars that this County's taxpayers have paid for those patients, and we want to make sure they get health care, you know, the medical treatment, but they should be paying for that not us, and that should be done immediately so that we can put a plan together and approach them as soon as possible.

County Manager Abolt said, Mr. Chairman and members of the Board, the compelling weight of Commissioner Odell's argument obviously and the right placed enthusiasm for the program to keep our financial plan together, our budget, would you please if this motion is passed designate the funding source in an amount up to \$80,000 and at this juncture the funding source would be M&O Contingency. Obviously that's a little dangerous early on in the year, but that will allow them to go forward and search out the person. If we find other sources in the interim, we can replenish Contingency, but I want to keep the budget balanced.

Chairman Liakakis asked, would you accept that? Commissioner Odell said, I would. Chairman Liakakis asked, and the seconds, would you accept? Commissioner Stone said, I accept that. Commissioner Kicklighter said, we will. Chairman Liakakis said, okay, we have the acception on that. Harris [Odell]?

Commissioner Odell said, many of the counties have no incentives to do anything. We're treating their uninsureds. They could qualify for the 0314-E grant, federal funding to establish a health care facility, but they have multitudes of other problems which demand their attention, and getting them to move they have no incentive to move. It's analogous to — I read in the paper that this municipality had been sued and they had been sued for a particular discrimination, and I went to them, just a cold call, and said I can solve your problem, it won't cost you a penny and you can disavow any mistakes that I make, and you'll make money off the deal. That is a win/win for everyone. They bought the proposal. We solved their problem. My point of saying that is that with this director we are going to know the availability of grants, we're going to know the concentration of people in the various counties so we could do a needs assessment. Why don't members of the Safety Net Group look at expanding beyond Chatham County? You know, we're looking at an inter-mobile plan that's going to even at some point include Hilton Head. We're going to have to start thinking regionally. I think that it just makes good business sense if we can provide the data, we can provide the location, and we can provide the management to run it, and we say to them all we need basically is a resolution from this commission or whatever body to sign A, B and C and to sign the application, they're more than likely to do it because it don't —. Now it costs them nothing. It could cost them something if — I'm thinking with my lawyer hat — if we got all of the people from the various counties and we sued them to recover indigent care costs from their particular county, but that would be the lawyers that are trying to solve the problem and only Jon Hart and I would like that theory, but I think we can do it. If we got the information, give it to them, and we have members in the Safety Net Organization who could expand their compass to include some of these outlying counties. I know Memorial is in some of the outlying counties. I think we can do it. We solve their problem, but it also solves our problem.

Dr. Weems said, yes sir, and both of — actually most of our partners do serve citizens and their reach is beyond the county borders. So I appreciate those comments and we will take that recommendation.

Chairman Liakakis said, okay, let's go on the board. We have the motion on the floor. The motion carried unanimously. Chairman Liakakis said, the motion passes. Thank you, Dr. Weems, we appreciate it. Dr. Weems said, thank you very much.

Commissioner Farrell said, one comment. One quick comment. I would suggest that the candidate for this position to have some grant writing experience in addition to all the other experience they're going to need to do this job. Dr. Weems said, thank you.

#### **ACTION OF THE BOARD:**

Commissioner Odell made a motion to direct staff with all due haste to secure \$80,000 to be used in conjunction with the Safety Net Council and, in particular, Dr. Weems to procure a director and that that position be reviewed by the Director of Human Resources so that we will be insured that what we pay that person is comparable to what we pay the Director of the Drug Court, the Director of the Mental Health Court, and those are all good positions, good things, and check into how we might further evaluate the mid-level practice model. Commissioners Holmes and Kicklighter seconded the motion and it carried unanimously.

# **Chatham County Safety Net Planning Council 2007 Evaluation**

## **Executive Summary**

### Executive Summary

The Chatham County Safety Net Planning Council (Council) serves as a countywide planning group for health care. It was created in 2004 to improve the efficiency and effectiveness of the local health care delivery system, to advise regarding health care trends, and to assist the County Commissioners in better meeting the health care needs of uninsured and underinsured constituents. The overarching goal is to strengthen the health care infrastructure and build capacity within the community, improve access to health care and a medical home for the uninsured and underinsured, and improve health outcomes. Each year the Council provides an Evaluation to assess needs and trends and to identify key existing resources and gaps in the community health care delivery system. This Evaluation is based on voluntary submission of data from the provider partners, publicly available data on population and policies affecting healthcare, and analysis of that data.

The Safety Net Provider Network is composed of both primary care providers and other agencies which support the delivery of health care by targeting a specific population or service. The key primary health care providers include the hospital emergency departments (EDs) and four primary care clinics, Curtis V. Cooper Primary Health Care (CVC), Community Health Mission (CHM), J.C. Lewis Health Care (JCL), and St. Mary's Health Care (SM). CVC and JCL are both federally qualified health centers, providing primary care to adults and children who are uninsured and/or underinsured, including those covered under Medicaid, Medicare, and PeachCare. CHM and SM are volunteers in medicine clinics which treat only uninsured, low income eligible patients.

In 2007, the provider partners continued to see increased utilization of services from uninsured and underinsured residents of Chatham County. In total, the two hospital systems' EDs and the four community primary care clinics provided 130,640 primary care visits to this population—an increase of 15.6% since 2005. This suggests that the number of uninsured and underinsured is increasing significantly in Chatham County—a suggestion supported by national data and predicted by policy changes at the state and federal levels.

The clinics provided most (68%) of these visits. Together the four primary care Safety Net providers have experienced an increase in utilization of 13.4% in 2007 and 18.6% since 2005. Although CVC continued to provide the lion's share (64%) of patient visits in 2007, CHM and JCL have shown significant growth (40.4% and 33.3%, respectively, since 2005). SM is poised for substantial growth in the upcoming year. The Care Navigator Program, implemented in 2006 and funded initially by a grant from Healthcare Georgia Foundation, continues to support hospitals and providers to enroll uninsured patients with chronic conditions, primarily diabetic and hypertensive patients, and to link them to a medical "home" as one strategy to avoid use of EDs for this chronic care.

The two hospital systems (Memorial University Medical Center (MHUMC) and St. Joseph's/Candler Health System (SJCHS)) also have seen increases in utilization of EDs for primary care by the uninsured and underinsured. In 2007, fully 23% of all ED visits in Chatham County were primary care visits that could be appropriately seen elsewhere. MHUMC received 29,870 such visits in 2007, while SJCHS received 12,955. This shows that although MHUMC provides the majority of these visits (69.7%), SJCHS is showing substantive growth in this area with an increase of 54% since 2005.

The majority of patients still seek primary care in the EDs between 8 a.m. and 8 p.m., hours when other resources are available. This suggests that there remains opportunity for improvement. Both hospitals show a significant increase in the number of uninsured (or self pay) patients seeking care in the EDs and a reduction in the number of Medicaid patients. This suggests that economic forces and/or state and federal policy changes have reduced the number of Medicaid enrollees and increased the number of uninsured in Chatham County.

The patients utilizing the four clinics are primarily from Chatham County and are widely distributed across the county. The utilization pattern of any one clinic also appears to be complementary to the others. The African American population disproportionately utilizes Safety Net provider resources. The data suggest the Hispanic population is growing faster than census estimates project and this population is becoming uninsured faster than other demographics in the community. Both populations appear to more heavily utilize clinics than EDs.

Overall, the clinics are a more efficient and effective way to treat primary care. Data suggest that the primary care provided in the clinics would have cost more than \$8 million if delivered in EDs—which doesn't include avoided costs through efforts in disease management performed in the clinics. All of the clinics showed a reduction in administrative costs this year, with JCL having the most significant decrease from 2006, suggesting improved efficiency among all the clinics. CHM, JCL, and SM also showed significant utilization of volunteers contributing to their efficiency, with CHM reporting the most. Cost per clinic encounter is a measure of a clinic's efficiency. CHM and JCL reported the lowest cost per clinic encounter. Data suggest a link between the clinic model utilized and the cost per clinic encounter. The two clinics with the lowest cost per clinic encounter utilize a mid-level provider driven model and a mixed model of mid-level and physician providers. The two clinics with the higher cost per clinic

encounter utilize a physician driven model. This is in agreement with national studies showing similar results.

Other services offered in Chatham County were also evaluated. Those include the Chatham County Health Department HIV clinic (Chatham CARE Center), which provides comprehensive primary care to HIV infected individuals, the Community Cardiovascular Council (CCC), which focuses on screening and treatment of hypertension and prevention of strokes/heart attacks, and MedBank (MB), a private non-profit focused on linking patients to medication resources. All entities reported patients served and cost per visit. The CARE Center and MB increased the number of patients served; however, since CCC did not report last year, this is its baseline year.

MB's expansion into clinics, a 2007 Council initiative, appears to have had a significant impact on the patient population. MB obtains prescriptions through prescription assistance programs offered by various pharmaceutical companies and provides these medications at no cost to low-income, uninsured eligible patients. This year there was a 43% increase in patients served and a 20.4% increase in prescription medications provided.

The greatest opportunities for further savings lie with disease management and specialty care. Clinics report the most difficulty acquiring gastroenterology, cardiology, neurology, podiatry, and rheumatology consultations/visits for uninsured and underinsured patients. Inability to access specialty care increases the likelihood that patients will seek care in an emergency setting or delay that care until it is a true medical emergency when costs are higher and health outcomes poorer. Most clinics showed an increase in specialty referrals and an increase in compliance among their patients in keeping those appointments.

Although each clinic performs its own patient satisfaction surveys, in 2007 for the first time identical patient satisfaction surveys were done in each of the clinics locations. Results reveal some common themes among all or most clinics. Those common themes include: waiting times, telephone access, translation services availability, difficulty finding the clinic, and parking.

Based on the analysis and evaluation, it is recommended that the Council:

1. Be staffed to maximize its potential.
2. Support continued development of health information technology linking the partners.
3. Pursue the development of a Specialty Care Volunteer Network.
4. Continue to support the expansion of capacity within the current provider partners and to consider the development of new points of access based on geographic and population need (certain zip codes and pediatrics).
5. Continue to expand prescription assistance programs.
6. Encourage partners to re-evaluate their practice model and to consider the advantages possible with other models.
7. Continue to support and expand the Care Navigator Program.
8. Investigate the implementation of a social marketing campaign.
9. Consider approaching other counties for support.
10. Continue to support provider partners and encourage them to participate and respond to data provided by the Safety Net Planning Council.

Overall the Council itself had a successful and productive year in 2007. Some of the Council's accomplishments for this year include:

- Receipt of a grant (\$272,000) from the Georgia Department of Community Health to develop the foundation and infrastructure to support Health Information Exchange.
- Receipt of a grant from the federal government (\$284,000) for further development of health information exchange and Council infrastructure.
- Development of two areas of priority, including patient education/marketing of resources and specialty care, through collaboration with the federal agency, Health Resources and Services Administration (HRSA). HRSA provided a marketing expert to aid the council in developing strategic plans around patient education and marketing.

While the Council was successful in winning the grants for which it competed, many grant and funding opportunities were missed. The primary limiting factors for the Council are its all-volunteer composition and its lack of infrastructure. The Council is well-poised to compete for more funding and to catalyze progress in Chatham County health care.

#### **Acknowledgments:**

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- Dawn Stone, Director Decision Support, MHUMC
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## **VI. CHAIRMAN'S ITEMS**

None.

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## **VII. COMMISSIONERS' ITEMS**

### **1. STATUS OF APPEAL OF 1991-1992 INVENTORY TAXES, MR. JAMES CARTHON (COMMISSIONER ODELL).**

Chairman Liakakis said, I call on Commissioner Odell for this.

Commissioner Odell said, Mr. Chairman, we have Mr. Carthon here. Mr. Carthon, would you come forward please, and let me just lay a course of procedure, if I can get your consent. Mr. Carthon is a noted human rights leader in our community and he asked me to set this down for consideration, and his son was one of the participants in a mock trial and we won it that year. And now he's an executive flying all over the country doing big things, and I'm very proud that they are members of the Fifth District and welcome back home. Glad to see you. The younger Mr. Carton said, I was also one of the first Youth Council members when you first established it back in, I guess, '92 or '93.

Commissioner Odell said, absolutely and we're proud of that, and you've done well. Procedurally I'd like to have Mr. Carthon give an outline of his concerns and his request to have that reviewed by our County Attorney as to what alternatives we have. If everyone's in agreement, that's how we'll proceed and I'll turn it over to Mr. Carthon.

Mr. James Carthon said, thank you for allowing me to come today. I come solely to throw myself on the mercy of you guys because you guys — the Commissioners are the only ones that can clear this matter up. It's been going since '93. The business was closed in '93. I applied and didn't get the license until '94. There's three years of inventory tax that's still showing that I owe. That's three of the one. Now in '93 the inventory was recorded wrongly. I've talked with the attorney, I've talked with Snider over at the Assessor's Office, I've had several meetings with the Assessors Board, and at the time you had a very hostile chairman. I met with him five times and I did give all the information that I had to them stating forth the inventory taxes for the last 10 years or even asked the IRS for taxes which was asked of me. The inventory tax, and I've got copies, it may be too long today to mess with such a small matter. It's important to me. If I could just do — leave copies of what has happened since '93 and maybe you guys can study it. I don't mean guys literally, I mean Commissioners, and maybe we can maybe get back with it later. I've already talked with Attorney Hart about it. We've met. We had some solutions, but nothing ever happened, but I do have the breakdown on everything and the inventory tax on CDC Beverage was one year where the mistake was made. The inventory tax was mistakenly placed down as 270-some thousand dollars. If you got in the package shop in Savannah at the time, it wouldn't have equaled that much inventory. He wrote up that wrong. I've tried to get it corrected ever since. I'm here

first to pay the taxes due on whatever the inventory was during that time. I tried to do that. I've had trouble with Ms. Snider, I had trouble with Vestal. He was a very hostile. Be careful about those kind of folks who serve in those positions, but if we get to work out something, maybe I can present this meeting to you guys. Y'all can take it and look at it and maybe we'll meet again and we might have a solution.

Commissioner Odell said, let me just ask a question, Mr. Carthon. Our goal obviously is to do that which the law allows us to do so that we get beyond the personal belief of right and wrong and we get to what the law says we're capable or not capable of doing. I've taken the opportunity and reviewed the file. You are a constituent of the Fifth District and I owe the constituents of all of Chatham County that obligation, and I recall that Jonathan Hart had sent you a letter requesting certain information that you needed to present. The information that you offering here today, is that the information that you're presenting — that information contained in his letter requesting: Please provide this data. Is that the data you're providing? Mr. Carthon said, I don't recall all of the information that Attorney Hart asked me, but this is the actual data as to what happened. Commissioner Odell said, okay. And what I'm trying to do is our actions have to be based upon evidence, logic and reason. If it's not, then it's arbitrary and capricious. We had and I had requested that Mr. Hart, and he spent a lot of time, provide you a memo outlining what information you needed to provide. If you do not have that information and if it's not the information you're providing to us today, what I suggest — and I'll put it back on the agenda — is for Mr. Hart while you're here today to provide you a copy of that memo because that's the information we need which will determine what we can and cannot do. Other data may be data, but if it's not that, it's not decision information that's required for us to come to a conclusion. So, Mr. Hart, is it possible — do you have that memo? Mr. Hart said, yes, I do. Commissioner Odell asked, can you provide him an extra copy of that memo, and before this goes to all of us to review, is it possible that this be given — you could review the information that Mr. Carthon provided and work with Mr. Carthon to ensure that what we need in order for us to make a legal decision that we in fact have and then provide us with that information at our option? James — I'm sorry. Mr. Carthon, would that be satisfactory to you?

Mr. Carthon said, I'll be glad to do whatever I need to do to make sure the proper information is given. At the time that we talked then, Attorney Hart and the time I came here before ordered information because that business was closed in '94 and most of the taxes due on a business that didn't exist. So I can get with Attorney Hart and maybe bring it back because most of the taxes due on CDC Beverage, that business was closed in '93. The new business was opened, so three years I've been charged is not on the business. The business was closed in '93 and I've got records to show that. I don't mind getting anywhere I need to go to get it ratified.

Commissioner Odell said, yeah, I think there are a couple of issues. One is that, and there was a failed corporation that wasn't renewed. There was a partnership and under the laws of Georgia, yeah, people — and it's a partnership, the surviving partner — congratulations — you get the debt of the partnership. But without our having to review that where we cannot at this point, what I'd request is for you to provide the information requested in that memo, for Mr. Hart to review it and to work with you to get the information we need to make a decision. That's all I'm saying.

Chairman Liakakis said, James [Carthon]. Mr. Carthon said, yes sir. Chairman Liakakis said, let me say this because I was concerned when you talked to me and on a couple of different occasions you talked to me. I talked to the people in the — with the Board of Assessors, I talked to the actual Assessor's Board, you know, for this information, I've talked to the County Manager in the past on it, I've talked to the County Attorney, and all of that. The information that's being requested from is the same information that you got in a letter to come here today is what we needed, and by you adding data, like Commissioner Odell is saying, has really no bearing on this particular situation whatsoever. If you don't have that, what the attorney has told me on occasions that I brought to your attention is that if you don't have that, there's nothing this Board can do. We cannot overrule the law. We cannot do that. There's no way that we can do that. If we did it, we could be challenged on that and have big problems in this community. So if you get that, that's all fine and well, but if you don't have that information there's nothing this Board can do to assist you. I want to let you know that because when you talked to me the first time, I looked into depth on it. When you talked to me and I got back with you, then the second time that I looked at it and then went to the County Attorney again, more than one time that I contacted him to get the legality of this thing that anything that this Board can do, but I'm just letting you know this because that situation has been going on for a good period of time right now and we have to come to a conclusion on that and, hopefully, that you can get that information. But if you don't get it, this Board cannot do anything legally.

Mr. Carthon said, Mr. Chairman, I have no reason not to give Attorney Hart and the Board what they need. The only thing I understand was that information requested then was not [inaudible] because I was being charged for a closed business failed and I had moved on, and it was two years of charges from what I'm asking you today, but I'll get with the attorney and do whatever you say because, like I said, I came to throw myself on the mercy of this Board to try to clear up this matter.

Commissioner Odell said, well, if your business was closed, you can verify and prove that it was closed. Mr. Carthon said, I've got copies of where I got the new license from the City. For two years that the charged me for that information was not considered when I came the first time. Commissioner Odell said, James [Carthon], it's important that we communicate and in order to do that you've got to listen to me. Mr. Carthon said, yes sir. Commissioner Odell said, having a new business license in and of itself doesn't say that another business has been closed. You need to provide information that says that that business was closed. Mr. Carthon said, got it. Commissioner Odell said, if you do that, provide it to Mr. Hart. We're not trying to be difficult, but what we are trying to do is our decisions have to be based upon logic, reason and evidence. Without the evidence, we open the floodgates to anecdotal records where people could come up and say —. Mr. Carthon said, I fully understand that, Commissioner. Commissioner Odell said, they

could come up and say do this because it's fair, and that is such a nebulous word that it differs from person to person, but we have to have consistency which we have the law, and what I'm telling you complies with the law and if you do that, it's happy days, and it's always good seeing you. Mr. Carthon said, I'm going to comply with whatever I need to comply with. I just wanted to add there were some things that was not considered in the letter to me from the attorney that I want added into it to make sure the troop [phonetic] prepares because the troop —.

Chairman Liakakis said, James [Carthon], and the other thing, because I've been knowing you a long period of time — I remember when you called on me to do other things — but I want you and everybody to fully understand, a Superior Court has already made a decision. We cannot overrule that Superior Court. There's no way that this Commission can overrule the judgment that the Superior Court has made in this particular case. Mr. Carthon said, the statutory period expired before I was notified because I moved, and that's what the Superior Court said. They based it on the statute, meaning that I did not comply to protest it before the statute. I didn't receive the notice because I had moved so let me get with the attorney and maybe once you get all of the file, all I want to do is alter the facts to be presented including all of the new facts that we didn't discuss when I was here. That's all I'm asking.

Commissioner Odell said, Jon [Hart], can you provide a — if Mr. Carthon needs a transcriptionist or reporter to take down every fact and every document that we can have that upon the review. The Chairman has introduced the fact that Judge Bass did — it was Judge Bass, was it not? Mr. Carthon said, yes, Judge Bass. Commissioner Odell said, — did rule on this matter, which adds additional information to the fellow Commissioners. If you would do that and provide that information, it would be most helpful in our making the decision. Mr. Carthon, as always, we thank you for coming and hope you have a good day.

Mr. Carthon said, thank you.

**ACTION OF THE BOARD:**

Mr. James Carthon requested that the Board review the 1991-1992 inventory taxes of his business known as CDC Beverage. Information is to be furnished to the County Attorney by Mr. Carthon.

**AGENDA ITEM: VII-1**  
**AGENDA DATE: July 25, 2008**

DATE: July 22, 2008  
TO: Commissioner Harris Odell, Jr.  
FROM: R. Jonathan Hart, County Attorney  
SUBJECT: James Carthon

As per your request to place under your name as Commissioner's Item to the agenda regarding the status of the 1991 and 1992 inventory issue pertaining to Mr. James Carthon, I requested the County Attorney's file from storage in order that I may refresh my memory pertaining to this issue. Based on my review of our office file, it would appear that Mr. Carthon has raised this issue before the Board of Assessors on two occasions, the County Manager on two occasions, the attorney for the Board of Assessors and the County Attorney's Office has met personally with Mr. Carthon concerning this matter.

The dispute concerns Mr. Carthon's *fi fa* for failure to pay inventory tax on goods and values of \$243,622.00 and approximately \$12,494.00 in furniture and equipment arising out of the operation of CDC Beverage Center. Mr. Carthon was, according to him, a "partner" in this business. Mr. Carthon has repeatedly requested change of value, but fails to provide any documentation to support the change in value. The Board of Assessors has requested a copy of his 1993 tax business returns or for subsequent years in order to determine whether a new valuation would be appropriate. Apparently, Mr. Carthon has not provided this information despite repeated requests. A note in the County Attorney's file (undated) indicates that Mr. Carthon did not file taxes for those years.

I am enclosing a copy of the letter sent to Mr. Carthon and his then attorney, Tim Walmsley, in June, 2003 which summarized a number of options as a result of our personal meeting that may be available to Mr. Carthon upon presenting alternative documentary evidence. I believe my letter satisfactorily explains the status of the situation to Mr. Carthon. There can be no change of value, unless there is evidence or documentation to support the change of value.

RJH/jr

enclosure

cc: Pete Liakakis, Chairman, Board of Commissioners  
R.E. Abolt, County Manager  
Patrick C. Monahan, Assistant County Manager

June 30, 2003

Mr. James Carthon  
1398 Bel Aire Drive  
Savannah, GA 31415

Re: Inventory Tax Issue

Dear Mr. Carthon:

I enjoyed meeting with you on June 26, 2003 to make an effort with the information that you were able to provide us to provide you some option that may or may not be available to you. As you are probably aware, the County Attorney's Office represents Chatham County. This letter does not constitute legal advice to you. You may wish to contact an attorney for legal advice in this matter.

Based on the information that we have at this time, it would appear that CDC Beverages was created as a partnership. During our discussion, you indicated that you thought it was in fact operating as a corporation under the name CDC Beverages, Inc. However, a review the Secretary of State's records does not reveal any corporation registered in the State of Georgia under this name. We have found one other additional corporation for which you served as the registered agent which was Stiles Avenue Package and Quick Shop, Inc. organized in January, 1980, but administratively dissolved in 1988. I do not think this corporation could have in fact been your business operating under the trade name CDC Beverages if it was administratively dissolved at least five years prior to this situation.

We are in a situation of having to speculate as to the entity that operated the business you were running. Based on the limited information that we have at this time, it would appear that it was formed as a partnership.

Under the current law in Georgia, one partner is responsible for all the debts of the other partners in a partnership. Hence, from a practical standpoint, it would appear that each of the partners to this organization had individual liability. A third party could look at any one of the three partners for the total liability of the partnership. I think this is probably the reason that the tax fi fa is now appearing in your sole name.

During the course of our discussion, you explained to me that in 1993, you believed (you are uncertain) that an inventory tax form may have been filed which is outlined in Sheryl Snider's memo to Russ Abolt. If that is the case, in your statements to us in our meeting, you have vastly overestimated your inventory. Based on our conversation, you have indicated that there was no personal property inventory in the amount of \$243,622.00 or \$12,494.00 worth of furniture, fixtures and equipment. You do not have any corporate records, partnership records or personal records that would reflect inventory value. Additionally, you have not been able to locate any federal or state income tax returns in determining the value. Nevertheless, you are of the opinion that in all probability, you misfiled with the wrong information on this inventory tax request indicating gross sales as opposed to actual inventory value.

You have also pointed out to us during this same period of time, no small liquor stores in Chatham County had an inventory claiming \$274,000.00. You pointed out from a practical standpoint that the largest inventory would be Mickey's on Victory Drive and they were the largest in town at that time and in all probability had inventory in the range of \$40,000.00. Obviously, the Board of Assessors may have an inventory form as to the other liquor stores within town that could generally fix what an average liquor store inventory would be.

We have also suggested that you go to the bank and try to find old bank statements to indicate the type of revenue for which the business was operating. Obviously, inventory could not exceed the gross sales of the business.

From the information that I have in my limited record, it would appear that the Board of Assessors could consider making an adjustment to inventory, although I have not

personally spoken with any of the Board members or their legal counsel. However, based on the information that I have at this time, it would appear that they need documentation to justify the type of change as to this assessment. The burden is upon you to supply them with this type of information. You have told us that to date, there are no additional supporting documents. I have requested that you go to the City of Savannah and obtain all of your license applications from 1991 to 1997 to see if there is any helpful information in reviewing this matter.

Assuming you are able to provide income tax records, or other business documentation to demonstrate gross sales, means or manner that would be substantially below the \$274,000.00 of alleged inventory, the Board of Assessors could consider that the tax on inventory approximates all the other liquor stores of similar size in Chatham County during that tax year. Obviously, in order to ensure that it would not create a windfall benefit, the Board of Assessors would probably have to factor in an excess of the average to ensure that you would be at least paying in the range of a typical store of your size. Once again, this matter would rest with the discretion of the Board of Assessors.

The other option that you may have available to you, and I do not know if they would have the records this old, is to obtain your sales tax records filed with the State for the years 1991, 1992 and 1993. While these gross sales tax would not necessarily "peg" the amount of inventory, they may be of assistance in demonstrating the inventory as being too large based on the percentage of sales tax paid. It is very unusual for a business to have inventory that exceeds gross sales.

I am also taking the liberty of forwarding this matter to the attorney for the Tax Assessors, Mr. Timothy Walmsley. I feel that it is important for him to be aware of your inquiry.

If you can demonstrate this matter was an error, perhaps there may be some type of means to compromise this situation, but that would rest with the decision of the Board of Assessors.

Under current law, a tax refund is given if there is a mistake on the part of the government. This statute is generally referred to as the "refund statute". This statute has a three year statute of limitations. The Chatham County Commission can authorize a refund if there is a legal basis. In order to obtain a refund, you would have had to pay the taxes. You cannot get a refund on taxes that have not been paid.

In my final analysis, I believe you are in a situation in which you are going to have to supply federal income tax returns, state income tax returns, sales tax returns, bank records or sales tax records or other type of documentation to justify modification of this fi fa.

As soon as we receive the additional information, we will review it and see if there are any additional thoughts we may have in this matter.

In viewing the corporations that you have with the Secretary of State's office at the present time, you are operating a business known as Jim's Beverage, Inc. that is on active status, but is late in the annual report. You need to file this report with the Secretary of State or they will administratively dissolve this corporation.

As I explained to you, Commissioner Odell is very interested in trying to help you in this matter within the limits of the law. If you have any further documentation that you would like for us to review, we will make ourselves available.

I am,

Sincerely,

R. Jonathan Hart  
Chatham County Attorney

RJH/jr

cc: Timothy Walmsely, Esq.  
Sheryl Snider, Interim Chief Deputy Appraiser

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**VIII. TABLED/RECONSIDERED ITEMS**

Unless action is contemplated at today's meeting, staff report and file material has not been duplicated in your agenda packet. The files are available from the Clerk. Those on which staff is requesting action are indicated by asterisk (\*).

None.

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**IX. ITEMS FOR *INDIVIDUAL* ACTION**

(Unless the Board directs otherwise, adoption of an Action Item will mean approval of the respective County staff report and its recommended action.)

- 1. **TO REQUEST APPROVAL OF THE FOLLOWING FY2009 BUDGET AMENDMENTS: (1) TO TRANSFER \$693,000 WITHIN THE CIP FUND FROM CIP M&O CONTINGENCY TO THE CEMA OUTDOOR WARNING SIRENS PROJECT, AND (2) RECOGNIZE REVENUES AND RELATED EXPENDITURES IN THE MULTIPLE GRANT FUND FOR A \$24,331 GRANT FROM THE ADMINISTRATIVE OFFICE OF THE COURTS. TO REQUEST APPROVAL OF FY 2008 BUDGET AMENDMENTS AND TRANSFERS FOR (1) GENERAL FUND M&O: A) TRANSFER \$413,000 FROM OPERATING BUDGETS TO TRANSFER OUT TO CIP FUND, B) RECOGNIZE A \$76,000 TRANSFER IN FROM THE E911 FUND WITH A CORRESPONDING RESERVATION FOR PUBLIC SAFETY, AND C) TRANSFER \$18,000 FROM THE PUBLIC DEFENDER'S BUDGET TO THE PANEL ATTORNEY'S BUDGET; (2) CIP FUND, RECOGNIZE A TRANSFER IN FROM THE GENERAL FUND AND RELATED EXPENDITURES OF \$413,000; (3) E911 FUND, INCREASE REVENUES \$321,000 WITH A CORRESPONDING APPROPRIATION OF EXPENDITURES AS SHOWN ON ATTACHMENT I; (4) SPECIAL SERVICE DISTRICT (SSD) FUND, RECOGNIZE A \$205,000 TRANSFER IN FROM THE E911 FUND, APPROPRIATION OF A RESERVATION FOR PUBLIC SAFETY OF \$165,000 AND TRANSFER OUT TO THE E911 FUND OF \$40,000; (5) SALES TAX IV FUND, INCREASE REVENUES AND EXPENDITURES \$2,635,318 TO AGREE TO CURRENT PROJECT BUDGETS. FURTHER DETAIL IS SHOWN ON ATTACHMENT I.**

Chairman Liakakis said, do we have a motion on the floor to approve this?

Commissioner Stone said, so moved, Mr. Chairman. Commissioner Thomas said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously.

County Manager Abolt said, Mr. Chairman, I'm not apologizing, but just to explain. The reason why you unfortunately had to read so much is we've just concluded one fiscal year. We're going through the audit now, so Ms. Cramer and her staff are doing those year-end adjustments. So, again, that's why all of this stuff.

Chairman Liakakis said, thank you.

**ACTION OF THE BOARD:**

Commissioner Stone moved to approve the following FY2009 budget amendments: (1) to transfer \$693,000 within the CIP Fund from CIP M&O Contingency to the CEMA outdoor warning sirens project, and (2) recognize revenues and related expenditures in the Multiple Grant Fund for a \$24,331 grant from the Administrative Office of the Courts. To request approval of FY 2008 budget amendments and transfers for (1) General Fund M&O: a) transfer \$413,000 from operating budgets to Transfer Out to CIP Fund, b) recognize a \$76,000 transfer in from the E911 Fund with a corresponding reservation for public safety, and c) transfer \$18,000 from the Public Defender's budget to the Panel Attorney's budget; (2) CIP Fund, recognize a transfer in from the General Fund and related expenditures of \$413,000; (3) E911 Fund, increase revenues \$321,000 with a corresponding appropriation of expenditures as shown on Attachment I; (4) Special Service District (SSD) Fund, recognize a \$205,000 transfer in from the E911 Fund, appropriation of a reservation for public safety of \$165,000 and transfer out to the E911 Fund of \$40,000; (5) Sales

Tax IV Fund, increase revenues and expenditures \$2,635,318 to agree to current project budgets. Further detail is shown on Attachment I. Commissioner Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: IX-1**  
**AGENDA DATE: July 25, 2008**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda B. Cramer, Finance Director

**ISSUE:** To request approval of the following FY2009 budget amendments: (1) to transfer \$693,000 within the CIP Fund from CIP M&O Contingency to the CEMA outdoor warning sirens project, and (2) recognize revenues and related expenditures in the Multiple Grant Fund for a \$24,331 grant from the Administrative Office of the Courts. To request approval of FY2008 budget amendments and transfers for (1) General Fund M&O: a) transfer \$413,000 from operating budgets to Transfer Out to CIP Fund, b) recognize a \$76,000 transfer in from the E911 Fund with a corresponding reservation for public safety, and c) transfer \$18,000 from the Public Defender's budget to the Panel Attorney's budget; (2) CIP Fund, recognize a transfer in from the General Fund and related expenditures of \$413,000; (3) E911 Fund, increase revenues \$321,000 with a corresponding appropriation of expenditures as shown on Attachment I; (4) Special Service District (SSD) Fund, recognize a \$205,000 transfer in from the E911 Fund, appropriation of a reservation for public safety of \$165,000 and transfer out to the E911 Fund of \$40,000; (5) Sales Tax IV Fund, increase revenues and expenditures \$2,635,318 to agree to current project budgets. Further detail is shown on Attachment I.

**FACTS AND FINDINGS:**

- (1) Requests have been made to transfer unused funds from FY2008 operating budgets to CIP projects. The departments include: Juvenile Court (\$218,000), Mosquito Control (\$45,000), and Recreation (\$150,000). This requires amendments to the General Fund M&O and the CIP Fund. Copies of correspondence and budget resolutions are attached.
- (2) A transfer of \$18,000 from the Public Defender's budget to the Panel Attorney's budget in FY2008 is necessary to align the budget with actual expenditures.
- (3) Funding for the CEMA outdoor siren project was not included in the FY2009 adopted budget for CIP pending the possibility of grant funding. The grant has not materialized. Therefore, a budget amendment to appropriate \$693,000 for the project is requested.
- (4) An amendment to the FY2008 E911 fund is necessary as a result of the 2006 and 2007 SCMPD reconciliation and application of all E911 revenues to police dispatch costs. Amendments are requested for the E911 Fund, the General Fund M&O, and SSD Fund. The amendments will return the funds back to their source fund and reserve their use for public safety purposes. Resolutions are attached.
- (5) The Board of Commissioners approved amended project budgets for Sales Tax IV at their meeting held January 18, 2008. The attached resolution amends the fund budget to agree with the action taken.
- (6) Juvenile Court has received a grant award of \$24,331 from the Administrative Office of the Courts for the Family Dependency Treatment Court. A resolution to amend the FY2009 budget is attached.

**FUNDING:** Funds are available for the transfers detailed in Attachment I. The budget amendments will establish funding for the funds listed in Attachment I.

**ALTERNATIVES:**

- (1) That the Board approve the following:

**GENERAL FUND M&O FY2008**

- a) transfer \$413,000 from operating budgets to Transfer Out to CIP,
- b) recognize a \$76,000 transfer in from the E911 Fund with a corresponding restricted contingency - fund balance reserved for public safety,
- c) transfer \$18,000 from the Public Defender's budget to the Panel Attorney's budget.

**CAPITAL IMPROVEMENT PROGRAM (CIP) FUND FY2008**

increase revenue by \$413,000 transfer in from General Fund M&O and increase project budgets for: Juvenile Court (\$218,000), Mosquito Control (\$45,000) and Recreation (\$150,000).

**E911 FUND FY2008**

- a) increase revenues \$321,000 for Reimbursements (\$281,000) and Transfer in from SSD (\$40,000),
- b) increase expenditures \$321,000 for Transfer Out to General Fund M&O (\$76,000), Transfer Out to SSD Fund (\$205,000) and Payments to City of Savannah (\$40,000)

**SPECIAL SERVICE DISTRICT FUND FY2008**

increase revenues from Transfer in From E911 Fund \$205,000 and appropriate \$165,000 as restricted contingency - fund balance reserved for public safety and \$40,000 for Transfer Out to the E911 Fund.

**SALES TAX IV FUND FY2008**

increase revenues and expenditures \$2,635,318 to agree to current project budgets.

**MULTIPLE GRANT FUND FY2009**

increase revenues and expenditures for a \$24,331 grant from the Administrative Office of the Courts.

**CAPITAL IMPROVEMENT PROGRAM (CIP) FUND FY2009**

Transfer \$693,000 from CIP M&O Contingency and appropriate the funds for the CEMA outdoor warning sirens project.

- (2) Amend or deny the request.

**POLICY ANALYSIS:** State law grants the Board authority to amend the budget during the year as it deems necessary.

**RECOMMENDATION:**

That the Board approves Alternative 1.

Prepared by: Read DeHaven

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**2. REQUEST BOARD ADOPT YEAR 2008 MILLAGE LEVY RESOLUTION FOR THE BOARD OF PUBLIC EDUCATION FOR THE CITY OF SAVANNAH AND THE COUNTY OF CHATHAM PURSUANT TO ADVERTISEMENT HAVING BEEN PUBLISHED IN ACCORDANCE WITH O.C.G.A. 48-5-32.1. IN ADDITION, FORM PT-35 COUNTY MILLAGE RATE CERTIFICATION AND FORM PT 32.1 COMPUTATION OF MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES FOR TAX YEAR 2008 MUST BE CERTIFIED AND SUBMITTED TO THE GEORGIA DEPARTMENT OF REVENUE FOR DIGEST APPROVAL FOR THE TAX YEAR 2008.**

Chairman Liakakis said, this is required. Once the School Board has this information, they send it to the County Commission because we have to approve that. Do we have a motion on the floor?

Commissioner Thomas said, move for approval, Mr. Chairman. Commissioner Holmes said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved to adopt year 2008 millage levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham pursuant to advertisement having been published in accordance with O.C.G.A. 48-5-32.1; in addition, Form PT-35 County Millage Rate Certification and Form PT 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2008 must be certified and submitted to the Georgia Department of Revenue for digest approval for the tax year 2008. Commissioner Holmes seconded the motion and it carried unanimously.

AGENDA ITEM: IX-2  
AGENDA DATE: July 25, 2008

TO: Board of Commissioners  
THRU: R. E. Abolt, County Manager  
FROM: Linda Cramer, Finance Director

**ISSUE:**  
Adoption of year 2008 millage levy resolution for the Board of Public Education for the City of Savannah and the County of Chatham pursuant to advertisement having been published in accordance with O.C.G.A. 48-5-32.1.

In addition, Form PT-35 County Millage Rate Certification and Form PT 32.1 Computation of Millage Rate Rollback and Percentage Increase in Property Taxes for Tax Year 2008 must be certified and submitted to the Georgia Department of Revenue for digest approval for the tax year 2008.

**BACKGROUND:**  
A tax levy resolution must be submitted to the State of Georgia Department of Revenue, and is scheduled for delivery by the Tax Assessor's Office during the week of July 28, 2008.

- FACTS AND FINDINGS:**
- (1) At its June 25, 2008 meeting, the Board of Public Education adopted a resolution for the millage levy for tax year 2008.
  - (2) The recommended millage rates for tax year 2008 are as follows:
    - (a) General Fund, 13.404 mils. This is a reduction of .391 mils from the current rate of 13.795 mils. This is equal to the calculated rollback millage rate of 13.404 mils.
    - (b) G.O. Bond Debt, 0.00 mils. This is equal to the current millage rate.
  - (3) The aggregate millage rate is 13.404 mils. This is a reduction of .391 mils from the 2007 aggregate millage rate.
  - (4) The 5-year history of levy was advertised on June 30, 2008, as required by State Law and incorporated the recommended rates.

**FUNDING:** N/A

- ALTERNATIVES:**
- (1) Adopt the year 2008 levy resolution for the Board of Public Education pursuant to advertisement having been published and the Millage Rates as follows:
    - (a) General Fund, 13.404 mils.
    - (b) G. O. Bond Debt, 0.00 mils.
    - (c) An aggregate millage rate of 13.404 mils.
    - (d) Authorize the Chairman to sign the Georgia Department of Revenue Form PT 35.
  - (2) Modify the tax levy resolution.

**POLICY ANALYSIS:**  
State law requires that the Board adopt a tax levy resolution annually for submission of the digest to the State of Georgia, Department of Revenue (Ga. Code 48-5-302). Georgia law 48-5-32 and 48-5-32.1 further specifies method of publication of ad valorem tax rate.

**RECOMMENDATION:**  
That the Board adopt Alternative 1.

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### 3. CNT MONTHLY REPORT GIVEN VERBALLY BY COMMANDER HARRIS.

Chairman Liakakis asked, would you come forth please?

Commander Roy Harris said, good morning, Commissioners. You should have in front of you our written report. If you would — and I will be brief this morning since you've had a pretty heavy agenda.

If you look on page one, Significant Events, you will see Item 2 and Item 3 were controlled deliveries of marijuana packages that were shipped in from other states, and the first one was 17.5 pounds. The second one was actually delivered in South Carolina where we coordinated that delivery with the South Carolina Law Enforcement Division and the Beaufort County Sheriff's Department.

Item 4 we worked a joint investigation with Immigrations and Customs Enforcement, which resulted in an arrest of an illegal alien that had cash, cocaine and two stolen firearms, and hopefully that individually be deported shortly.

Item 5, again LSD came up on the radar screen this month. 3,751 hits of LSD was seized from on person. That individual had purchased approximately 6,000 hits of LSD and had already sold that many before we could effect his arrest.

Item 6, another joint investigation. This one with the GBI and the Naval Criminal Investigation Service and Metro PD working some — targeting some bars and people at hotels in the downtown area prior to the arrival of a Navy ship.

Item 7, we assisted Effingham County Sheriff's Department on an operation that entered into Chatham County where two arrests were made.

And then Item 8 was an arrest of a burglar which the surveillance team happened to pick up on that had just burglarized a house and that person was turned over to Metro Property Crimes.

Item 9 is the closing out of a long-term investigation that was conducted for approximately a year, and the reason this was finally closed, our last defendants were adjudicated in this case last month. You will see there that many of these people received a fairly lengthy prison sentences, which hopefully will get them off our streets and out of Chatham County for a significant period of time, and therefore they won't be a problem to us. This organization was distributing about seven to ten kilos of cocaine each month in Chatham County.

Page three, marijuana was the big seizure this month, over \$100,000 worth, and most of that was due to the deliveries of stuff that we operated on.

On Item [sic] 4 we seized 14 handguns off the street this month and you will see there that marijuana was the large one.

We move on back to page 7, Hours Worked by Zone, this is slightly different format than we had before because I wanted to look at different percentages there, and you will see as usual we have the metro zones broken down by precinct and then the other municipalities broken down, but we also looked at the assistance rendered cases, which these are primarily with our client cities or municipalities here in the County. The majority of those are with Metro, and then the court hours enters into that where they just spend time in court for the total hours. It gives you a little bit different breakdown than what we have shown in the past.

If you have any questions, I will try to answer those.

Chairman Liakakis asked, any questions? Commander Harris, again we thank you for your leadership and our CNT Drug Squad has done an outstanding job. We really appreciate that, and of course now all of the cities are receiving these printouts. Commander Harris said, electronically. Chairman Liakakis said, that's good to send it out electronically, but let's also do it on a printed matter with the individual names of each elected person. Commander Harris said, all right sir. Chairman Liakakis said, thank you.

Commissioner Odell said, Mr. Chairman, while we're on law enforcement, let me just take this opportunity — and it's law enforcement, not specifically drugs — to commend Chief Berkow and the Cold Case Unit, and the message that is being sent to criminals that if you commit a murder in Chatham County, that we will never stop searching for evidence to put you in prison, and I am so proud of our police force. They've caught a couple and, if you read your emails, that's a good thing. We had people's who families that did not have closure and hopefully there can be some closure. It's a horrible thing, but for the criminals out there, we're never going to stop pursuing you. Until the ends of time as long as there's a County government, if you commit murder in Chatham County, we're going to be looking for you. Chief — not Chief — Director, thank you, and Chief, thank you.

#### **ACTION OF THE BOARD:**

Commander Roy Harris gave a status report for the month of June, 2008, on the Counter Narcotics Team.

AGENDA ITEM: IX-3  
 AGENDA DATE: JULY 25, 2008

Chatham Savannah  
 Counter Narcotics Team  
 Monthly Report  
 June  
 2008

**SIGNIFICANT EVENTS**

1. Agents executed a search warrant in the 1100 block of East 57<sup>th</sup> St. As a result of the investigation, Agents recovered 3.6 pounds of marijuana, \$4,876.00 in currency and a 12 gauge shotgun.
2. Agents participated in a controlled delivery of a package containing 17.5 pounds of marijuana to a Southside address. Two subjects were arrested as a result of this case.
3. Working in conjunction with DHL and SLED (South Carolina Law Enforcement Division), Agents executed a controlled delivery of 27.52 pounds of marijuana to an address in South Carolina. This case resulted in two arrests.
4. Agents working in conjunction with ICE (Immigration and Customs Enforcement) conducted an operation in the 400 block of Carolyn St. Information was received that an illegal alien was distributing cocaine. Agents executed a search of the premises and found over an ounce of cocaine, packaging materials, two stolen firearms, and approximately \$2,002.00 in currency. The subject admitted he was in the US illegally.
5. Agents executed a search warrant in the 1800 block of Grove Point Road. This search produced approximately 3,751 hits of LSD. Agents also seized approximately nine ounces of high grade marijuana, packaging materials, and a firearm. This case led to two arrests.
6. Agents along with personnel from the Georgia Bureau of Investigation, Naval Criminal Investigative Service, and SCMPD conducted an undercover operation targeting bars and other drug purchase locations in Chatham County. As a result of the operation, a total of 11 subjects were arrested for the sales of ecstasy, sale of cocaine, sale of marijuana, distribution of marijuana and other drug related charges.
7. Agents assisted Effingham County Sheriff's Department on a drug investigation that originated in Effingham County but the subjects traveled to Chatham County to complete the deal. Two arrests were made for sales of marijuana.
8. Agents on duty in the area of 59<sup>th</sup> Street and Waters Avenue observed two subjects loitering near the rear of a residence. Agents took appropriate actions, detained the subjects, and found that they had just burglarized the residence. They were turned over to SCMPD Property Crime Detectives.
9. During this month, with final disposition on the last defendants, CNT Major Case closed out a long-term investigation. This investigation disrupted a major Savannah area drug distribution organization. Several defendants in this case received lengthy prison sentences. They are listed below.
 

Gary Ervin	Dead (Died in jail awaiting trial on this case).
Kobie Dante Ervin	20 years without parole followed by 10 years probation
Cederic Saunders	15 years without parole
Isaiah Nelson	12 years to serve
Mario Kieshawn Price	10 years to serve
Raymond Rakeem Price	10 years to serve
Victor Miller	10 years to serve
Fransesko Lopez	10 years to serve
Adrian Denise Campbell	10 years to serve
Tommy Lee Estelle	10 years, 2 to serve, balance probated

Alycia Jackson Paledino	10 years prob, 6 months to serve, 240 days Detention Ctr
Catherine Johnson	10 years prob, 6 months to serve, 240 days Detention Ctr
Terrance Williams	10 years 6 months to serve, balance probated
Thomas Simmons	5 years, 6 months to serve, balance probated
Ola Dixon	3 years, 6 months to serve, balance probated
Mack Rodney Bradham	10 years probation
Trina Graham	5 years probated
Angela Menter	3 years probation
Belon Smith	3 years probation

The following is a list of items seized during the investigation:

2.5 Kilo's - Cocaine  
 2.3 pounds – Marijuana  
 Ecstasy  
 Crack  
 6 – Firearms  
 \$12,000 in Currency  
 4 - Vehicles and a Trailer  
 3 - Properties (including one in Effingham County)

This organization was capable of distributing 7-10 kilos of cocaine each month.

UNDERCOVER AGENT / CONFIDENTIAL INFORMANT BUYS	
Buys	Number
Undercover Buys	24

SHORT – LONG TERM NARCOTICS INVESTIGATIONS	
Investigations	Number
Investigations Initiated During the month	5
Active Investigations from prior months	69
Active <b>Joint</b> Investigations with other agencies (DEA, AFT, IRS, etc.)	3
Total Number of Active Investigations	68
Total Number of Investigations Cleared (Arrest, Exceptional Clearance, Unfounded)	6

DRUGS SEIZED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	23.0 Grams	\$2,300
Crack Cocaine	\$100 per gram*	103.9 Grams	\$10,390
Methamphetamine	\$100 per gram**	2.0 Gram	\$200
Marijuana	\$140 per ounce*	793.1 Ounces	\$111,034
Heroin	\$250 per Gram	0 Grams	\$0
Ecstasy	\$25 Dosage Unit	129 D/U	\$3225
Misc. Pills	Various	62 D/U	N/A
LSD	\$10 Dosage Unit	3687 D/U	\$36,870

© Source: Office National Drug Control Policy

\*\* Source: Established regional average price

\*\*\* Source: IAW GBI reporting – One marijuana plant equals 2.2 lbs of processed marijuana

WEAPONS SEIZED	
Firearms (including hand guns and long guns)	14
Other weapons (razors, knives, fighting tools)	0

PERSONS ARRESTED*	
Powder Cocaine – Possession	0
Powder Cocaine – Possession with Intent to Distribute / Manufacture / Sale	5
Powder Cocaine – Trafficking	0
Crack Cocaine – Possession	2
Crack Cocaine – Possession with Intent to Distribute / Manufacture / Sale	7
Crack Cocaine – Trafficking	2
Marijuana – Possession	11
Marijuana – Possession with Intent to Distribute / Manufacture / Sale	6
Marijuana – Trafficking	2
Methamphetamine – Possession / Manufacture / Sale	3
Synthetic Drug (MDMA, Ecstasy) Possession / Sale	1
Prescription Drugs – Fraud / Forgery / Possession / Sale	5
MDMA / Ecstasy Sales / Possession / Trafficking	3
Criminal Attempt to Possess Controlled Substances	0
Non-Drug Related Offenses**	6
Possession of Drug Related Objects	1
Conspiracy to Violate the GA Controlled Substance Act	0
<b>Total Arrests</b>	<b>54</b>

\* Characterized by the highest charge filed, **NOT** total charges.

\*\*Non-drug related offenses include firearms violations, Obstruction, Simple Battery, etc.

ADOPTION CASES FROM OTHER AGENCIES	
AGENCY	OFFENSE
SCMPD – 06/28/08	Possession of Methamphetamine

ASSET FORFEITURES	
US Currency Seized (Initiated forfeiture proceedings)	\$6,878.00
US Currency Awarded	N/A
Motor Vehicles Seized (Initiated forfeiture proceedings)	N/A
Motor Vehicles Awarded	N/A
Real Property Seized (Initiated forfeiture proceedings)	N/A

Real Property Awarded	N/A
Personal Property Seized (Initiated forfeiture proceedings)	N/A

<b>DRUG COMPLAINTS INVESTIGATED</b>		
<b>Drug Complaints</b>	<b>Received</b>	<b>Assigned</b>
Project Log/Official Complaints	0	0
Green Sheets/ Outside Agencies	1	1
Hot line/ Call-In Complaints	9	9
Crime Stopper Complaints	10	8

<b>COMMUNITY MEETINGS</b>	
<b>Sergeants and/or agents attended the following Community Meetings:</b>	
<ol style="list-style-type: none"> <li>1. During the month, 4 agents attended an asset forfeiture class hosted by DEA.</li> <li>2. On 06-04-2008, Commander Harris attended a GACP (Georgia District Chiefs of Police) conference at AASU.</li> <li>3. On 06-17-2008 Commander Harris spoke at the Effingham Rotary Club in Guyton, Georgia.</li> <li>4. On 06-17-2008, Commander Harris hosted the Drug Advisory Board meeting at CNT.</li> <li>5. On 06-26-2008, Commander Harris attended a CLEO meeting at SCAD.</li> </ol>	<p><b>**In addition to these monthly meetings and activities the following are done every month:</b></p> <p>-Every Monday Captain McBurney attends an SCMPD Command Staff meeting at headquarters which typically lasts for approximately 2 hours.</p> <p>-Every Wednesday, a CNT supervisor and our intelligence agent attend a Compstat meeting held at SCMPD headquarters. This meeting addresses current statistics, crime trends and other activities that occurred during the week in the various Precincts.</p>

<b>TRAINING STATISTICS</b>		
<b>Course Title</b>	<b>Agents Trained</b>	<b>Course hours per Agent</b>
Basic Narcotics Investigations	1	80
Five Day In-Service Block Training	1	40
GBI Asset Forfeiture Training	3	32

### **DRUG INVESTIGATION**

#### **HOURS WORKED BY ZONE**

SCMPD – West Chatham Precinct	670
SCMPD – Downtown Precinct	355

SCMPD – Central Precinct	569		
SCMPD – Southside Precinct	181		
SCMPD – Islands Precinct	116		
<u>SCMPD – Skidaway Precinct</u>	<u>72</u>		
<b>TOTAL</b>	<b>1963</b>		<b>77%</b>
Garden City	90		
Port Wentworth	46		
Bloomington	9		
Pooler	79		
Thunderbolt	4		
<u>Tybee Island</u>	<u>7</u>		
<b>TOTAL</b>	<b>235</b>		<b>9%</b>
Out of County (Task Force Operations, etc.)	11		
Non-Drug Assistance Rendered (includes member agencies )	57		
Training	216		
<u>Court Hours</u>	<u>65</u>		
<b>TOTAL</b>	<b>349</b>		<b>14%</b>
<b>Total Hours Worked</b>	<b>2547</b>		

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**4. BOARD CONSIDERATION OF APPEAL TO THE RIGHT-OF-WAY ENCROACHMENT PERMIT APPLICATION FOR THE COBBLESTONE SUBDIVISION ACCESS ONTO BUSH ROAD. (ENCLOSED IS DOCUMENTATION FROM APPELLANT.) STAFF RECOMMENDS DENIAL UNTIL THE TRAFFIC CONCERNS CREATED BY THE SUBDIVISION AND THE SAFETY OF THE CITIZENS TRAVELING BUSH ROAD ARE ACCEPTABLE BY STAFF AND THE COUNTY ENGINEER.  
[DISTRICT 7.]**

Chairman Liakakis said, in here you have documentation concerning this particular matter and the staff recommends denial until the traffic concerns created by the subdivision and the safety of citizens traveling Bush Road are acceptable by staff and the County Engineer. Mr. County Manager?

County Manager Abolt said, Mr. Chairman and members of the Board, as I mentioned in the pre-meeting, in my experience, this is the first time any issue of this substance has come before a County Commission. Because of the freshness, the uniqueness of it, rather than a normal staff report, I would ask that the County Attorney introduce the subject and obviously you will want to hear from the applicant.

County Attorney Hart said, good morning. This is an issue that basically is appealed for a variance and/or a modification as to the recommendation of Mr. Drewry through the recommendation of the Engineering Department concerning location of — access to the subdivision entrance and exit onto Bush Road. The issue stems from the fact that the subdivision is located within the City of Savannah and opens onto Bush Road and is County maintained. Bush Road is a 20-foot paved road with the Ogeechee Canal running down the side of the road, which is connected to the subdivision. Apparently during the review process with the City, the County Engineering staff was not consulted, although when the matter went before the MPC for approval, the subdivision approval was conditioned upon approval by County Engineer. There have been some improvements in roadway cut out or chopped out by the petitioner. The petitioner then applied for a right-of-way encroachment permit requiring any time you have a subdivision entering into a public right-of-way in unincorporated Chatham County. That was referred to Mr. Robert Drewry, who is the Admini-

strator of that particular ordinance. Mr. Drewry under that ordinance has the right to consult all other agencies within the County that may be affected by any of the decisions as well as if there are utilities involved, they must also be approved by the County Engineer.

The County Engineer staff reviewed the petition and recommended against issuing the right-of-way encroachment permit due to the fact that this was a low level road, low maintenance road, 20-foot pavement, now down the side and you are putting 180-unit subdivision onto this road. The developer at that point asked for meetings and there have been several meetings offering alternatives that they felt were appropriate to address the issue of the ingress and egress off of Bush Road. The issue fundamentally boils down to if you assume that the current plan works and is acceptable insofar as the front entrance and exit to the subdivision, what occurs to the rest of Bush Road putting that traffic on it with the pavement being as wide of 20 feet because you're changing it from a low level road into something else to develop out of the subdivision when you put more traffic on the road, and then the issue becomes what do you do since you have the [inaudible] on the sides of the road.

The developer has indicated basically that they believe that they believe they ought to improve the area in front of their development. The County Engineer says that's a fix in the middle of this road and it's not a fix at the ends of the road and we need to address the entire problem.

We have met with the City of Savannah staff and we have suggested as a solution to the City of Savannah staff that they annex the road. There are two other parcels that I assume in the next few years when the housing market turns around will probably be developed further down on the same side of the subdivision and one across the street from the subdivision. However, given the economic times we're in right now, I don't see those developing right away. Nevertheless, those developers when they go to develop are going to need water and sewer. When they go in to get water and sewer, they're going to have to go to the City and, in all probability based on historically the way that has occurred, the City will require annexation. In order to make the modifications on Bush Road that we're talking about, we're talking about a considerable sum of money, and I leave it to Engineering to discuss the engineering aspects of the situation.

And the question I guess from your standpoint, does the County undertake to improve the road for the subdivision, moving from a low level to a mid level and expend those kinds of funds in the unincorporated area for a subdivision that is currently in the City and in all probability a road that in the very near future will be in the City. So the two issues basically are whether you wish to grant the variance, which you have the authority to do, or whether you wish to modify the recommendation and overrule your Engineering Department, who believes that the current [inaudible] removes some of the issues but does not address all of the safety, and I will leave it to Mr. Bungard and his staff to discuss that. I am going to withhold legal opinions of this case and if you ask me a legal opinion on that, I would ask to go into Executive Session. We have received correspondence that if the situation does not work out due to the applicant's satisfaction, there is the potential for litigation.

Chairman Liakakis asked, did you want to wait until he gives his presentation? Commissioner Kicklighter said, I would like to go ahead and speak. Chairman Liakakis said, okay, go ahead.

Commissioner Kicklighter said, thank you. Basically, what we have here in my opinion — this is in my district and I'm familiar with it — is we have another example of one of our cities in Chatham County taking the good portions away from the unincorporated area taxpayers and leaving those unincorporated area taxpayers the bad. By the City, and it's not — in this case it is Savannah — but it happens with all of the municipalities. They've been going around hodge-podge picking areas of development, getting the tax revenues, leaving us with roads to maintain. Unfortunately, for these good people, they're caught in the middle of something they have no control over. They've invested I'm sure just an absolute fortune in this development not knowing that there would be a City/County who's right and who's wrong disagreement there, and honestly I truly hate this for them especially in this time when real estate is not the best that we've ever seen. Their — in looking through this and all, their request at the time to have a variance that would allow them to install I believe a 2500-foot guardrail along Bush Road, I believe that's really pretty good on their part. Now, yes, adding 1,800 trips a day on that street upon the buildout, it's going to wear that road out quicker and everything, and the right thing is for Savannah to take over that road and start maintaining and do whatever necessary. But it's not their fault. They're caught. These are the — not them specifically, but I'm sure they've been a part of it — these are the people that have driven the economy. I mean, they're the developers, they're the ones that have kept our taxes down because of bringing in new developments in the area, and I understand and I respect and appreciate our staff for looking out for the taxpayers of the unincorporated area on this because the reality of this is they will be stuck with the bill because the good is gone there. But that's something we need to work out with the City of Savannah as far as them taking over the road and doing the right thing. And again, this all goes back to water. That's how, you know, cities are now seem to be divvied up as far as available land out there, is the water — water pistol, as we call it on the Westside. And, you know, it's not these people's fault. They're caught in the middle. I say we grant them their access and we work diligently with the City of Savannah to do the right thing and take over that road.

County Attorney Hart said, Mr. Chairman. Chairman Liakakis said, go ahead. County Attorney Hart said, a comment concerning Mr. Kicklighter's statement. From the County staff's point of view, there's an engineering issue on safety, and that's why the right-of-way permit is denied. Okay? That's why the recommendation is that way. From practicality and economic reality, for you folks it's how do you folks spend your money? Do you spend your money improving Bush Road or not improving Bush Road? That's really not the issue to decide on this permit. As background information, and I wanted you to be aware that staff is willing to allow the annexation and that way to get the situation

where you've got a City subdivision and a City road and [inaudible] appropriate. But your consideration today and this variance needs to focus on whether you believe the plan is an appropriate response to considerations from staff from the engineering standpoint and make a decision based on how you feel about that.

Commissioner Kicklighter said, and to just echo off of that, safety-wise I believe that they've done enough. I believe that personally in the future that more should be done. All the standards that were stated probably should be met, but feasibly because that's not a development in the unincorporated area, it makes no sense for this body and the taxpayers of the unincorporated area to foot that bill to bring it up to those standards, but it does make financial sense for the City of Savannah to take it over and bring it up to those standards in the future. But, you know, I would ask that if you believe that it's safe enough, because that is the number one priority and which after looking at this, you know, there's many more cars going down Pine Barren Road in the City of Pooler, which I, you know, would like to get out there and almost measure it. It's probably 22 feet as far as wide and, you know, it works out fine, and this would work for these people. Keep them floating during the times that we're unfortunately in with the slower real estate market, but again that is a safety decision and it's all on you, but I would recommend yes, approve it.

Chairman Liakakis said, wait a minute. We have Patrick Shay first. Patrick [Shay].

Commissioner Shay said, background information only.

County Attorney Hart said, background information, and of course the petition, I'm sure, has a point of view that needs to be heard.

Commissioner Shay said, I'm just asking for background information because it's not clear to me on the annexation issue, not that that's what we should make our decision based on. I don't understand. The road is in the unincorporated area of Chatham County and the subdivision is in the City of Savannah? Is that true on both sides of this road? County Attorney Hart indicated no. Commissioner Shay said, so —. County Attorney Hart said, no, it is not. It is only that this road is —. Commissioner Farrell said, the road is partially populated on that other side, partially. Commissioner Shay said, okay. County Attorney Hart said, and it goes a little bit further, to be a little bit more unique, the Ogeechee Canal runs down the side, is owned by the City of Savannah. The County has a long term recreational lease on the Ogeechee Canal for the purpose of making improvements to the canal through the Canal Society. I mean, not that I think it bends the outcome, but it is a part of the City.

County Manager Abolt said, if I may, and not only for background, that's the other variable you must consider, not necessarily in the legal decision, but the commitment this County made when no one else would step up to preserve that canal. Yes, Bush Road is a road, but it also just happens to be right next to the very historic canal and any type improvements made on that have to be sensitive to it and then when we tried before, we ran right into the very issue that Mr. Hart said so well because of the overriding jurisdiction of the City of Savannah. But you have a historic structure and, yes, it's a canal, but it has significance to this community beyond just being a ditch next to a road.

County Attorney Hart said, in fairness to the petitioner, petitioner has met with the City of Savannah and has designed a bridge over that canal that would enter that subdivision, and that bridge was designed to the specifications of sufficient height and over-engineered to ensure that in the future if it ever became an active floating canal with boats going up and down, they could clear the bridge.

Mr. Mathew McCoy said, if I may, in addition, the petitioner has also agreed to dedicate 20 feet of easement space adjacent to the canal for a bike or pathway for pedestrian use. So, in addition to extreme additional expense associated with a bridge that will cross the canal or allow for canoe or kayak traffic at some point, that's not possible now, but at some point we've agreed to do that, and give a 20-foot pedestrian easement along the canal so that someday there can be a trail there and preserve the historic nature of that canal.

Commissioner Shay said, as a follow-up, an interesting side note about the canal, but in the world of development the developer, when they connect to water and sewer systems for example, it is quite frequent they pay impact fees for the privilege of being able to connect onto a system, knowing that the impact is not sight specific but according to the water and sewer system at large, but is there any mechanism whereby impact fees can be accessed for road improvements? County Attorney Hart said, possibly. Commissioner Shay said, I'll reserve the rest of my questions until after the presentations are made because I just wanted to understand those two legal issues.

Chairman Liakakis recognized Commissioner Stone. Commissioner Stone said, I don't have anything. Chairman Liakakis said, okay. Dave [Gellatly]?

Commissioner Gellatly said, I just have a couple of general questions. Because of this development is why the road is going to have to be updated, right? County Attorney Hart said, that is the position of the County Engineer. Commissioner Gellatly said, another term I heard was, I think it was buildout because the actual construction, infrastructure and what have you that needs to be put in, is there wear and tear on the road because of that? County Attorney Hart said, the traffic study that was provided at the request of Engineering estimated I think there would be 800 additional trips, I believe —. Mr. McCoy said, that's at total buildout, that's before the modified plan. I'll address that in the presentation. There's been some misinformation about that. Commissioner Gellatly said, well, my thought was, you know, there are a lot of roads in the County that are designed at best for pickup truck or a full-size car or traffic and once you start putting huge dumptrucks over them, why they tend to tear the road up rather quickly. I'm the Commis-

sioner of the Sixth District and we're getting ready to have a huge development which hopefully we can put out to the 17 Highway, but just to startup and to put the infrastructure on, they want to put through two residential roads which would literally destroy those roads, and I think if that being the case, you're going to destroy — if you can measure it, the condition of the road before the infrastructure before the road was put in and the condition of the road afterwards. I think that portion of deterioration there's no question about it should be part of an impact fee.

County Manager Abolt said, yes sir, and you have the other issue, and I don't want to preclude the presentation, but the shy distance. It isn't just a question of pavement. If one has to pull off the road, in the case of the canal, you're pulling off into the canal because there are other dimensional issues beyond just pavement.

Commissioner Gellatly said, well, I understand that, too. You know, like in my district, why you have portions of Grove Point Road that are 17 feet 3 inches. Well, that will not accommodate two dumptrucks. One of them is going to have to be way over into the ditches, and if they do it on Chevis Road it would be impossible because, as you know, that's narrow road plus it's ditches on both sides. So I was just trying to get a mental picture of what the condition is out here. But you say you're going to cover that in your presentation? Mr. McCoy said, the road conditions specifically I don't have any expertise on that. Most of the infrastructure is already in as far as the development goes. The paving has not been completed. The roads have been cut, the water and sewer has been [inaudible]. So there's a fair amount of the site work that's already been completed on the project. There still needs to be paving done.

Chairman Liakakis asked, could you identify yourself and go ahead with your presentation?

Mr. McCoy said, sure. I'm Matt McCoy. I'm attorney for Bush Road, LLC and Bush Road, LLC, owns the subject parcel that we're discussing today. Jay Mott, engineer for Bush Road, LLC, is also present here in case y'all have any questions for him. Before I get started and just in an effort to reserve the record — preserve the record on appeal, if we need to go down that road, I do need read into the record some constitutional challenges to the right-of-way encroachment ordinance.

First of all, we object to the Chatham County Right-of-Way Encroachment Ordinance and the approval procedure as applied to this piece of property on the basis that the approval process and the review of the ordinance as applied to this property is arbitrary and capricious. We further object on the basis that the review and approval processes set forth in the ordinance as applied to this piece of property is vague and it lacks ascertainable standards, and to the extent that our request for variance is denied here today, the review and approval process set forth in the section of the ordinance as applied to this piece of property would constitute a taking and inverse condemnation of the property without payment of adequate compensation. As such, the review and approval process set forth in Section 7 of the ordinance, as applied to this piece of property, violates Article I, Section 3, Paragraph 1, and Article I, Section 1, Paragraph 1 of the Constitution of the State of Georgia and the due process clause of the Fourteenth Amendment of the United States Constitution.

Mr. McCoy said, now this piece of property, as I mentioned, is on Bush Road, as the County Manager and the County Engineer mentioned, the historic canal does run adjacent to piece of property — easement to the property between Bush Road and the piece of property. Initially, this was 180 home development, single family home development that was planned. The right-of-way encroachment permit was submitted in January of 2007. Based upon conversations with Engineer and other folks, my understanding is the right-of-way encroachment permits generally take at the outset a month of approval. Our first comments to this permit were received in May. In May, the objections made to the permit were we cannot approve the permit and we ask that you either find other access over other property, you either go out 204 or Little Neck Road, which this property does not touch either Little Neck Road or 204 to require us finding ingress through someone else's property, which is impermissible, or you do improvements to the entire length of Bush Road and the two intersections at Little Neck and 204.

Neither one of those solutions is really workable, and so what we did was instead of just turning a blind eye to that, we tried to meet with the County officials and they've been cooperative. We have met with the County and the City on numerous occasions to try to come up with a solution. Our initial solution was we will provide a widening in front of where the curb cut is proposed to go. We will widen the road and we will put in 607 square yards of additional asphalt. The County came back with the same objections. County Engineering said you need to give us a plan, nothing specific. They never, ever — and standing here today I can say I have never heard what it is we need to do to Bush Road or the two intersections. We've had vague suggestions that we need to improve the two intersections and the entire length of Bush Road.

Our position has been that is not our responsibility and it's an unfair action to try to make an individual property owner or developer do public improvements to an entire length of Bush Road. Issues like damage to a road that you suggest is entirely reasonable. I mean, if we damage a road, of course, there's remedies there and things that need to be addressed, but to ask us to pave the entire length of Bush Road to make it a 60-foot right-of-way or a 40-foot right-of-way, or whatever is deemed necessary, which sitting here today, as I mentioned, I still am unsure what it is that is desired of my client, or put in streetlights at either intersection is (1) economically unfeasible to this development. It's impossible. There will not be any profit left in the development, it will not succeed; and (2) it's an unreasonable request. So we tried to work with what was reasonable and come back to the County and say this is what we'll do, and our second proposal was turn lanes, we'll give you a turn lane. They said, no, once again the same objections, we heard the same things back. And then in July, in addition to saying no and we need to come up with a plan for the whole road, we were told you need to perform a traffic study. So we're seven months into the application process and

we are informed that we need perform a traffic study. Nowhere in the right-of-way encroachment ordinance does it specify that a traffic study is required. In fact, it says nothing about what is required for approval, the basis for my objection. But in an effort to work with the County Engineer, we hired Sain & Associates to perform a traffic study. They did so, and they reached the conclusion that the first two phases were permissible and were safe and were not a problem within this development. We had three phases proposed. So we had 180 units at that time. Once we had the traffic report and this idea that it's okay up to two phases, we reduced the development to two phases. We went back to the MPC, we took 44 units out of the development and went down from a 183-unit development to a 139-unit development, a significant concession. The MPC once again approve it and we went back to the County and said, we've now eliminated 44 [sic] units, we have a traffic study that says that it is safe, you can rely on that engineer's opinion, it's a safe road up to that extent. Once again, we were denied and once again it vaguely suggested that we needed to come up with a plan that improved all of Bush Road.

So once again we met with the County officials and met with the City officials, and now we're a year out and we're still sort of unsure what it is we need to do. And finally we just came to a point where we asked them to just deny the permit or grant the permit, let us know, give us a decision one way or the other. The decision came through that the permit was denied and that they disputed certain findings in the traffic study report. Our traffic engineer has addressed all of those and we've received no response to any of those — our traffic engineer's response to their comments. So as I sit here today, we have a traffic study that says it's safe. It addressed all the comments and concerns of County Engineering, and under the ordinance we are allowed one last chance to come before y'all to ask for a variance and request that you approve the right-of-way encroachment permit pursuant to these additional conditions. So essentially what we put together is what we feel is all we can offer, our best plan as far as what we can do in front of our development to improve the road and make it safe, and what we've come up with — I've got it here — is an additional approximately a thousand yards of asphalt that will be installed in front of Bush Road, there will be a left turn from 204, which according to our traffic study, 70% of the traffic comes from 204, 30% of the traffic will come from Little Neck Road. We've got a left turn with an additional pavement and then 2,500 feet of guard rail that will extend along the front of the development and in front of the Ogeechee Canal. This we feel will address the safety concerns. We ask for our traffic engineer to weigh in on this remedial plan. He has evaluated the remedial plan, he has reiterated that he feels that the two phases are not a safety concern as to Bush Road, but this only further ensures that it is safe for those two phases to come on line and that the roadway encroachment permit should be approved. That's our request today for you that — there's two options. Under the ordinance we're allowed (1) to appeal the decision and (2) request for a variance, and we've done both. And this is our variance plan and we'd ask that you approve the permit, override the decision of the County Engineer subject to the variance plan.

Chairman Liakakis said, okay, I'd like to call on our County Engineer, if you'll come forth, Al [Bungard], and tell us, you know, the concerns because I read in the report about the different situations. Of course, we appreciate the developers and, you know, we want to support and we have supported our developers over the years, but when it's going to cost taxpayers money, and a huge amount of vehicles going across there to put this into place, you know, the trucks and all, and I've seen them in other areas that we've had to — unfortunately the taxpayers because there was no turning down, that we had to put the burden on the taxpayers to pay for that repair work that's going on. But would you give us your concerns on this please?

County Engineer Bungard said, yes sir. A little background. Going back even to the days when we were talking about the S&O Canal Trail going by there, and all the people objected, but other background is as your County Engineer I am required to exercise my judgment in making recommendations to you concerning safety and liability, and every once in a while — of course, you have every legal right to disagree —, but I'm obliged to advise you that if you do so, to absolve myself of liability I have to tell you that, and that's right out of the Georgia Licensing Code and that's why I have to tell you. Engineers will disagree and that's okay, but in this particular case — also a while back the County Attorney advised me [inaudible] of dirt roads. No longer should we make these, what we used to do routinely, variances to AASHTO and Roadside Design Manual requirements because if there's an accident — and this is why GDOT's requirements get more and more onerous — if there's an accident, we become liable. As the County, we get sued and we will lose, and I'll let the County Attorney address that. I know this is sort of anecdotal, but we try to follow that. Now, if this were a roadway where the projected volume is whatever it's saying, I would never bring this to you and say approve this as a county road because in my judgment it would not meet those criteria for a variety of reasons: substandard, the width, the velocity — there is no clear zone. Unlike other roads, we had a roadside ditch with recoverable. On Bush Road you have essentially no shoulder. So when you factor in things like stopping distances and all that, you know, that's a factor. Also the reason we have a problem with just doing something locally, and this gets into a question we had to address some development out by 204, how far do the impacts development go elsewhere? Little run-arounds, like we have on Quacco Road in the past when people can go around. You have more vehicles. Instead of a low volume road — and AASHTO has new design guidelines for low volume roads less than 400 [inaudible], but now you have more. You have more traffic, stopping, starting, turning. Those impacts will — you've got to [inaudible] to extend, you know, down to the intersections. So a guard rail may sound nice right there at the intersection, but what about the traffic then, the extra thousand vehicles a day that are driving by Scottsdale Park that have to stop to turn in. You have more potential for points of conflict than down at the intersections. If this were a traffic study, I would be looking at the improvements that were needed down there at the other roads. So that's kind of where we are from a safety and liability standpoint. It's just a risk we assume. I have philosophical problems with the way municipalities annex into roadways. We had a case a while back before this Commission's time where the City of Pooler permitted a curb cut onto Pooler Parkway without consulting our right-of-way. It was a liability issue. I came aboard and said we need to quitclaim this parkway to the City of Pooler, we shouldn't have the liability. We had a case in Chatham Parkway with the City of Savannah also permitted a curb cut for a sanctuary and didn't consult

us. We had to go back and fix the site distance issues. So it is a coordination issue. Now on this particular case, this is awkward — I'll use that word — because of the nature of the Savannah-Ogeechee Canal, and I did some cursory work back in 1991 — excuse me, 2001 and tried to figure out just where is the right-of-way for Bush Road. I believe Bush Road was paved by County contract by the DOT in 1986. The County acquired about 10-foot of additional easement or right-of-way on one side to accommodate that. I believe we have no records on this. I think there was a construction easement. The construction drawings were hand drawn. All this time I've always wondered where is the right-of-way between Bush Road and the property line on the other side. Nobody could tell us for sure. We've done some research. The Savannah-Ogeechee Canal right-of-way is shown I believe on the development's drawings, too, as 100-foot wide. It may well be that Bush Road is already in the City of Savannah and they just don't know it and we don't know it. It was an interesting quirk that I had Vince [Grevemberg] some data recently. It's always been County-maintained, I've always believed it was a County road, but we have never done a full-blown title search on it, but I don't know if I've answered all your questions about the liability issue, but I cannot sit here and tell you in good judgment that it's safe just to make a good turning movement at this one point and not tell you there are consequences down the rest of Bush Road, both ways.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, given that we were advised by our counsel that there may be issues that are legal that pertain to litigation and the fact that the legal counsel for the people that are seeking the variance today addressed their rights by reading those paragraphs that preserve their right to sue us depending on what we decide today, and what we just heard from the County Engineer about AASHTO and our liability if we approve something and downstream there's an accident, I would request that we have the opportunity to discuss this matter in Executive Session.

Chairman Liakakis asked, do we have a second? Commissioner Farrell said, I'll second that. Commissioner Stone said, second. Chairman Liakakis said, we have a motion on the floor and a second to talk about this issue. Any discussion on it?

Commissioner Kicklighter said, I think we ought to just handle it one way or the other, just dispose of it. This is why they're here. Let's just let them —.

Commissioner Shay said, well, we may do that, but I would like to hear some advise from our attorney before we decide that, Dean [Kicklighter], otherwise I'm not going to be able to support it.

Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

County Manager Abolt asked, are you going to finish the rest of your agenda, sir? Commissioner Shay said, no, I think we should discuss this now so that we can come back. Chairman Liakakis said, okay.

The meeting recessed to go into Executive Session at 11:36 a.m., to discuss potential litigation.

Following recess of the Executive Session, the meeting of the County Commissioner was reconvened at 11:54 a.m.

Chairman Liakakis said, we discussed a number of the issues and I'd like to call on Commissioner Kicklighter for a motion.

Commissioner Kicklighter said, thank you. If I could get the representatives to come back. After discussing everything back there, we as the Commission, we have a few items that — and basically a few questions and concerns that really can't be answered today, and what we would like to do is actually take and table this item for about a month and during that time period we've instructed the staff to come up with what we need to make what we believe would be the best choice for everyone. So before we do this and table it, I'd just like to hear if that's okay with you, if you're in agreement to let us table it to do our due diligence to make the right decision for you as well as everybody else around?

Mr. McCoy said, of course we're in agreement to allow you time to investigate the issues, and if you need any additional information from us on our end, we will be happy to provide — as well as our traffic engineer, if you need input from him or from our engineer, any of the folks that we've hired as experts on our end, we will be happy to work towards that, that's been our goal from the get-go is to try to resolve this.

Commissioner Kicklighter said, we certainly do appreciate it and that's definitely our goal is to resolve this matter also, so thank you and we'll see you in about a month and I'll make a motion at this point to table this item —. Commissioner Stone said, second. Commissioner Kicklighter said, — or two meetings away from now.

Chairman Liakakis said, okay. Let's go on the board. The motion carried unanimously.

#### **ACTION OF THE BOARD:**

Commissioner Shay moved to go into Executive Session to discuss the issues pertaining to the appeal to the right-of-way encroachment permit application for Cobblestone Subdivision access onto Bush Road. Commissioners Stone and Farrell seconded the motion.

The meeting of the Board of Commissioners resumed at 11:54 a.m.

Commissioner Kicklighter moved to table for two meetings the appeal to the right-of-way encroachment permit application for Cobblestone Subdivision access onto Bush Road. Commissioner Stone seconded the motion and it carried unanimously.

**AGENDA ITEM: IX-4**  
**AGENDA DATE: July 25, 2008**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Robert W. Drewry, Director of Public Works and Park Services

Issue: Request Board consideration of appeal to the Right-of-Way Encroachment permit application for the Cobblestone Subdivision access onto Bush Road.

Background: Maupin Engineering, Inc. on behalf of the developer for the Cobblestone Subdivision applied for a Right-of-Way Encroachment permit on January 8, 2007 for construction of a road to gain access to the proposed subdivision from Bush Road.

Facts and Findings:

1. The Cobblestone Subdivision is a proposed 180 lot residential subdivision located in annexed property of the City of Savannah off Bush Road across from the Savannah & Ogeechee Canal. The owner of the property is Bush Road, LLC and the developer is Bluewater Properties, Inc.
2. Bush Road is a County maintained public road with a pavement width of 20 feet and narrow shoulders adjacent to an open canal.
3. A review of the Metropolitan Planning Commission action on January 10, 2007 reflects that this subdivision approval was conditioned upon obtaining approval from Chatham County Engineering.
4. The Right-of-Way Encroachment application was sent to the County Engineer for review on January 17, 2007. The applicant was advised on January 23<sup>rd</sup> that the County Engineer's office wanted to review the construction plans. On May 4, 2007, the applicant was advised by the County Engineer that they have traffic and storm water concerns before they can recommend approval.
5. A traffic study was prepared by Sain Associates dated July 2007. The County Engineer reviewed and commented on the traffic study and letters were exchanged offering comments and amendments.
6. On July 16, 2007 the Director of Public Works and Park Services sent a letter to the applicants legal representative, Mathew McCoy of McCorkle Pedigo & Johnson LLP, advising the applicant that a permit will not be issued until the County Engineer's concerns are addressed.
7. On March 27, 2008 the Director sent a letter to the applicant declining the issuance of a permit until the traffic concerns created by the subdivision and the safety of the citizens traveling Bush Road are acceptable by staff and the County Engineer.
8. On July 1, 2008, Mathew McCoy submitted a variance request to allow approximately 2500 feet of guardrail along Bush Road to satisfy the County Engineer's concern. In the alternative, pursuant to Section 12-1107 (5) of the Rights-of-Way Encroachment Ordinance he has requested an appeal for an interpretation by the Board for their review and consideration.

Funding: N/A

Policy Statement:

Section 12-1107 (5) of the ordinance allows an applicant a variance or to appeal the decision of staff. Per the ordinance, the Board may uphold the decision of staff or modify the terms of the permit as it deems appropriate to accomplish the intent of the ordinance.

Alternatives:

- 1. Board uphold the decision of staff and decline the application until the traffic concerns created by the subdivision and the safety of the citizens traveling Bush Road are acceptable by staff and the County Engineer.
- 2. Board provide a modification to the application as it deems appropriate to accomplish the intent of the ordinance and direct staff to approve the permit with the modification.

Recommendations: Board approve Alternative #1.

District 7

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**5. REQUEST BOARD DIRECTION REGARDING AMENDMENT TO THE ANIMAL CONTROL ORDINANCE TO CLARIFY §22-119, “DISPOSAL OF DOG EXCREMENT.”**

Chairman Liakakis recognized County Attorney Hart.

County Manager Abolt said, I’ll do it, Mr. Chairman. Chairman Liakakis said, all right, you’re doing it. County Manager Abolt said, very quickly, this is a problem that evidences itself initially in Commissioner Stone’s district. The long and the short of it is staff has been looking at citizens’ complaint with a problem the Chairman described. Now County regulations only apply to what amounts to public property rights-of-way. We’re asking for you direction in the preparation of an ordinance, which I think is justifiable, to have that same regulation apply on private property, so when we get complaints as to the that type of activity, the Animal Control people would have the ability to cite based on justification on private property. If you agree with that recommendation, we’ll come back with an ordinance.

Chairman Liakakis asked, do we have a motion —?

Commissioner Kicklighter said, motion to approve. Commissioner Farrell said, second. The motion carried unanimously. Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Kicklighter moved to direct the staff to prepare an amendment to the Animal Control Ordinance to clarify §22-119, “Disposal of Dog Excrement.” Commissioner Farrell seconded the motion and it carried unanimously.

**AGENDA ITEM: IX-5**  
**AGENDA DATE: July 25, 2008**

**TO:** BOARD OF COMMISSIONERS

**THRU:** R.E. ABOLT, COUNTY MANAGER

**FROM:** MICHAEL BERKOW, CHIEF OF POLICE

**ISSUE:** ANIMAL CONTROL ORDINANCE and the ‘DISPOSAL OF DOG EXCREMENT’

**DATE:** JULY 14, 2008

ISSUE:

Questions have been raised following a complaint that was made that residents have been allowing their dogs to deposit excrement on county owned property. In the ordinance “Disposal of Dog Excrement”, owners were prohibited from leaving behind excrement upon any public thoroughfare. A complaint was investigated by Animal Control Staff of violations of this ordinance in a vacant lot next to the complainant. No suspect was identified by the complaint. Animal Control Staff took action by patrolling the area and notifying the area precinct community officer.

A question has arisen concerning pets leaving excrement on "private property". Traditionally these acts have been left to enforcement between two parties. A person that allows the deposit of animal's excrement upon private property without permission is technically trespassing. Current practice of the Savannah Chatham Animal Control Unit or the patrol officers is, an individual whose dog deposits excrement upon private property can only be cited for a *Nuisance Violation*.

Request direction of staff to clarify Animal Control Ordinance, §22-119 regarding deposit of dog excrement on private property. As written, the Chatham County Animal Control ordinance is only enforceable on common thoroughfares.

Nuisance as defined in §22-101 reads :

"Nuisance- shall mean whatever is dangerous or detrimental to human life or health and whatever renders or tenders soil, air, water, or food impure or unwholesome."

Disposal of Dog Excrement ordinance, §22-119 reads :

It shall be unlawful for any person who possesses harbors or is in charge of any dog not to immediately remove excrement deposited by any dog upon the common thoroughfares, streets, sidewalks, trees, lawns, playground areas, parks, squares, and upon other public premises and the failure to remove said excrement shall be deemed a public nuisance and is prohibited.

**BACKGROUND:**

In 2005 the Board of Commissioners approved revisions to the Animal Control Ordinances; however, the Disposal of Dog Excrement Ordinance was not changed or revised.

**FACTS AND FINDINGS:**

1. On March 31, 2008, Animal Control investigated a complaint of a citizen's dog leaving excrement on a public thoroughfare, which was a vacant County lot. No violator was identified in the complaint.
2. Animal Control found excrement was left which poses a nuisance and/or a health concern.
3. The property which the violation occurred on is enforceable under the current ordinance of 22-119, however;
4. Had this occurred on privately owned property, Animal Control would have been able to take enforcement action under the terms of County Ordinance §22-101 only with the agreement and support of the property owner.
5. Amend the Dog Excrement Ordinance to expand enforcement capabilities.

**Alternatives**

1. Take no action, keeping the Ordinance in its current language.
2. Include wording "private property" in ordinance under definitions, §22-101.
  - a. The definition of "Private Property" reads: Belonging to a particular person or persons as opposed to the public or the government; not available for public use.
3. Amend Ordinance §22-119 to include "Private Property". This will allow Animal Control more ability to control the conduct of owners that deposit dog excrement on private property.
4. Direct staff to prepare an Ordinance which includes Private Property in the current ordinance 22-119.

**RECOMMENDATION:**

Since the consideration to redefine the ordinance is a policy decision, the Savannah Chatham Police Department needs direction as to how the ordinance should address this issue.

Suggested Language: Disposal of Dog Excrement (amendment) County Ordinance §22-119 to read:

It shall be unlawful for any person who possesses, harbors or is in charge of any dog not to immediately remove excrement deposited by any dog upon the common thoroughfares, streets, sidewalks, trees, lawns, playground areas, parks, squares, and upon other public premises or **private property** of another without permission and the failure to remove said excrement shall be deemed a public nuisance and is prohibited.

MB/bb

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**6. BOARD CONSIDERATION OF AN ADJUSTMENT TO A WATER AND SEWER BILL FROM \$617.67 TO \$0.00 RELATING TO THE TIME THE CUSTOMER, A MEMBER OF THE 3D INFANTRY DIVISION, WAS DEPLOYED TO IRAQ.**

Chairman Liakakis said, we need a motion.

County Manager Abolt said, I recommend you waive the fee,

Commissioner Farrell said, so moved. Commissioner Stone said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Farrell moved to adjust a water and sewer bill for Alana L. Campbell, 30 Tara Court, a member of the 3d Infantry Division, from \$617.67 to \$0.00 relating to the time she was deployed to Iraq. Commissioner Stone seconded the motion and it carried unanimously.

**AGENDA ITEM: IX-6**

**AGENDA DATE: July 25, 2008**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda B. Cramer, Finance Director

**ISSUE:** Board consideration of an adjustment to a water & sewer bill from \$617.67 to \$0.00 relating to the time the customer, a member of the 3d Infantry Division, was deployed to Iraq.

**BACKGROUND:**  
 Only the Board of Commissioners has the authority to write-off all or a portion of a water & sewer customer's balance due.

**FACTS AND FINDINGS:**

- (1) Customer Name and address: Alana L. Campbell, 30 Tara Court
- (2) Ms. Campbell started her account in October 2006 and paid her bills promptly until April 2007.
- (3) Chatham County Water had the Water service disconnected for non-payment in February of 2008.
- (4) Ms. Campbell appeared in person on July 14, 2008 and stated she had just returned from an 18-month deployment to Iraq. Ms. Campbell paid \$200.00 towards the bill. County staff turned the Water back on. Ms. Campbell indicated she did not have enough time when she was notified of her deployment to get her utilities turned off.
- (5) On July 14, 2008, Finance Water & Sewer staff explained to customer that the only recourse was to petition the Board of County Commissioners to adjust or write-off the amount in question.

- (6) Ms. Campbell produced a Sworn Statement (DA Form 2823) indicating "That in May of 2007, I did not have enough time to turn off my utilities before deployment to Iraq. As a result my water bill has accrued (sic) to an excessive amount, I am asking that the lack of use and service fees that where (sic) charged during my absence be taken off my bill". A copy of her deployment order was also provided.
- (7) While Ms. Campbell was in Iraq, her water meter only registered 4 units of usage. This is a negligible amount for an 18-month period.

**FUNDING:**

Not applicable.

**ALTERNATIVES:**

- (1) Approve a write-off of \$617.67 for customer Alana L. Campbell,
- 2) Amend or deny the request.

**POLICY ANALYSIS:**

Again, only the Board of Commissioners has the authority to write-off all or a portion of a water & sewer customer's balance due.

**RECOMMENDATION:**

For Board Consideration.

Prepared by: Roger Deschenes

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**X. ACTION CALENDAR**

(The Board can entertain one motion to adopt the below-listed calendar. Such motion would mean adoption of staff's recommendation. Any Board Member may choose to pull an item from the calendar and it would be considered separately.)

Chairman Liakakis said, we have Items 1 through 7 — excuse me.

County Attorney Hart said, Mr. Chairman, staff would request that Item #5 be pulled from the Action Calendar. We have some people here that would speak against that issue and I was just told to pull that.

Chairman Liakakis asked, so you are requesting to pull that item off altogether? Commissioner Kicklighter said, for discussion. County Attorney Hart said, no, for discussion. Chairman Liakakis said, oh, okay. We have Items 1 through 7 and under 7 we have A through Q, and we've had a discussion —. Commissioner Farrell said, 7-N. Chairman Liakakis said, he wants 7-N, and then we do Item 5 for discussion also. Do we have a motion on the floor to approve everything else.

Commissioner Stone said, so moved. Commissioner Thomas said, second.

Chairman Liakakis said, all right, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Stone moved to approve Items 1 through 7-Q, except Items 5 and 7-N. Commissioner Thomas seconded the motion and it carried unanimously.

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**[NOTE: ACTION OF THE BOARD IS SHOWN ON EACH ITEM AS THOUGH AN INDIVIDUAL MOTION WAS MADE THEREON.]**

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**1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF JULY 11, 2008, AS MAILED.****ACTION OF THE BOARD:**

Commission Stone moved to approve the minutes of the regular meeting of July 11, 2008. Commissioner Thomas seconded the motion and it carried unanimously.

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD JULY 3, 2008, THROUGH JULY 16, 2008.**

**ACTION OF THE BOARD:**

Commissioner Stone moved to authorize the Finance Director to pay the claims against the County for the period July 3, 2008, through July 16, 2008, in the amount of \$8,333,491. Commissioner Thomas seconded the motion and it carried unanimously.

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**3. REQUEST FROM KENNEDY, RAGSDALE & ASSOCIATES, ENGINEER FOR THE DEVELOPER, OLD MONTGOMERY PROPERTIES, FOR THE COUNTY TO RECORD THE SUBDIVISION PLAT FOR FIVE OAKS SUBDIVISION, ACCEPT THE SUBDIVISION AGREEMENT AND FINANCIAL GUARANTEE AND WAIVE THE REQUIREMENT FOR A STREETLIGHT ASSESSMENT RATE DISTRICT TO BE CREATED WITH THE RECORDING OF THE PLAT.  
[DISTRICT 1.]**

**ACTION OF THE BOARD:**

Commissioner Stone moved to approve the request from Kennedy, Ragsdale & Associates, engineer for the developer, Old Montgomery Properties, for the County to record the subdivision plat for Five Oaks Subdivision, accept the subdivision agreement and financial guarantee, and waive the requirement for a streetlight assessment rate district to be created with the recording of the plat. Commissioner Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-3**  
**AGENDA DATE: July 25, 2008**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A.G. Bungard, P.E., County Engineer

**ISSUE:** To record the subdivision plat for Five Oaks Subdivision, accept the subdivision agreement and financial guarantee, and waive the requirement for a streetlight assessment rate district to be created with the recording of the plat.

**BACKGROUND:** The engineer, Kennedy, Ragsdale & Associates, for the developer, Old Montgomery Properties, requests that the County record the subdivision plat for Five Oaks Subdivision, accept the subdivision agreement and financial guarantee, and waive the requirement for a streetlight assessment rate district to be created with the recording of the plat.

**FACTS AND FINDINGS:**

1. Five Oaks is a new subdivision located on Old Montgomery Road and consists of 15 lots on 4.23 acres. Paving and drainage improvements will be maintained by the Five Oaks Homeowners Association. Water and sanitary sewer will be owned and maintained by the City of Savannah.
2. Construction plans are approved and construction of the improvements is underway.
3. The developer has submitted a letter of credit issued by the Georgia Bank & Trust of Augusta in the amount of \$155,902, which is 100% of the cost of the constructed improvements.

4. The developer has requested that the Board waive the requirement for a streetlight assessment rate district. Georgia Power will install the streetlights and the developer will own and maintain them throughout the warranty period. At the end of the warranty period, the Five Oaks Homeowners Association will maintain the streetlights.
5. An Environmental Site Assessment was previously conducted on the subdivision in accordance with the Subdivision Ordinance. No environmentally unsafe conditions were found on the site.

**ALTERNATIVES:**

1. To record the subdivision plat for Five Oaks Subdivision, accept the subdivision agreement and financial guarantee, and waive the requirement for a streetlight assessment rate district to be created with the recording of the plat.
2. Do not approve the request.

**POLICY ANALYSIS:** This action is consistent with the subdivision regulation regarding the creation of lots through plat recording.

**RECOMMENDATION:** That the Commissioners adopt Alternative No. 1.

District 1

**PREPARED BY:** Nathaniel Panther

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**4. REQUEST BOARD APPROVE A RESOLUTION TO TRANSFER TO THE CITY OF SAVANNAH THE RIGHT-OF-WAY ACQUIRED BY CHATHAM COUNTY FOR CERTAIN ROAD PROJECTS (BENTON BOULEVARD, PHASES 2 AND 3) CONSTRUCTED WITHIN THE CITY LIMITS OF THE CITY OF SAVANNAH. [DISTRICT 7.]**

**ACTION OF THE BOARD:**

Commissioner Stone moved to approve a resolution to transfer to the City of Savannah the right-of-way acquired by Chatham County for certain road projects (Benton Boulevard, Phases 2 and 3) constructed within the city limits of the City of Savannah. Commissioner Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-4**  
**AGENDA DATE: July 25, 2008**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A.G. Bungard, P.E., County Engineer

**ISSUE:** To approve a resolution to transfer to the City of Savannah the right of way acquired by Chatham County for certain road projects constructed within the City Limits of the City of Savannah.

**BACKGROUND:** To construct certain road capital improvement projects, the County acquired right of way for Benton Boulevard, Phases 2 and 3. Upon completion of this project, the right of way needs to be transferred to the City of Savannah since the maintenance for such roads are the long-term responsibility of the City.

**FACTS AND FINDINGS:**

1. The County acquired right of way for the construction of Benton Boulevard, Phases 2 and 3, a road capital improvement project which is now complete.
2. Attached is a Resolution with Exhibit A describing the right of way and parcels acquired for the project.
3. After Board approval, the Resolution will be forwarded to the City of Savannah for approval by the City Council.

**ALTERNATIVES:**

- 1. That the Board approve the Resolution transferring the right of way to the City of Savannah.
- 2. That the Board not approve the Resolution and retain the right of way and maintenance requirements.

**POLICY ANALYSIS:** The Board must approve the transfer of rights of way of projects to the appropriate municipal jurisdiction.

**RECOMMENDATION:** That the Commissioners adopt Alternative No. 1.

District 7

**PREPARED BY:** Nathaniel Panther

**STATE OF GEORGIA**

**COUNTY OF CHATHAM**

**RESOLUTION**

**WHEREAS**, Chatham County has improved and/or widened certain rights-of-way for the purpose of streets and roads within the City limits of the City of Savannah and,

**WHEREAS**, Chatham County has acquired the appropriate rights-of-way for the widening of said streets or roads or the creation of new streets and roads within the City limits of the City of Savannah and,

**WHEREAS**, Chatham County desires to transfer to the City of Savannah the rights-of-way and such improvements to the City of Savannah and,

**WHEREAS**, the City of Savannah wishes to accept the rights-of-way for said streets or roads that are within the City limits of the City of Savannah.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that Chatham County does hereby grant, convey and transfer to the City of Savannah **all those certain parcels of land within the required rights-of-way limits of those streets and road improvements described on Exhibit A attached hereto and made a part hereof.**

This the \_\_\_\_ day of \_\_\_\_\_, 2008.

BOARD OF COMMISSIONERS

\_\_\_\_\_  
Witness

BY \_\_\_\_\_  
Chairman

\_\_\_\_\_  
Notary Public

Attest \_\_\_\_\_  
Clerk

APPROVED AND ACCEPTED  
this \_\_\_\_ day of \_\_\_\_\_, 2008.

THE MAYOR AND ALDERMAN OF THE  
CITY OF SAVANNAH, GEORGIA

BY \_\_\_\_\_  
Mayor

Attest \_\_\_\_\_  
Clerk of Council

**EXHIBIT A**

**DESCRIPTION OF PARCELS OF LAND WITHIN THE REQUIRED RIGHTS OF WAY FOR CERTAIN STREET AND ROAD IMPROVEMENTS MADE BY COUNTY OF CHATHAM, WITHIN THE CITY LIMITS OF THE CITY OF SAVANNAH, STATE OF GEORGIA, SAID ROAD PROJECTS AND A MORE PARTICULAR DESCRIPTION FOR SAID PARCELS BEING SHOWN ON THE OFFICIAL RIGHTS OF WAY MAPS PREPARED BY CHATHAM COUNTY, FOR THE PROJECT SHOWN HEREINBELOW WHICH MAPS ARE MADE A PART HEREOF BY REFERENCE.**

Benton Boulevard, Phases 2 and 3: All those certain parcels of land acquired by Chatham County within the required right of way for Benton Boulevard, Phases 2 and 3, including rights of access to said Boulevard which the City of Savannah agrees to enforce and maintain in the manner and location in which said access rights were acquired and in accordance with and as specified by the final right of way plans for said Project, beginning at or near the intersection of Benton Boulevard and Godley Way, and ending approximately 2.1 miles north to the end of Benton Boulevard.

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**5. REQUEST FROM MR. GREG HOLLAND FOR THE COUNTY TO DECLARE THE UNOPENED PORTION OF THE SOUTH STREET RIGHT-OF-WAY BETWEEN LOTS 127-128 AND LOTS 85 THROUGH 90 OF THE BETZ CREEK SUBDIVISION (PINS: 1-0042 -01-021; 1-0042 -01-022; 1-0042 -01-087; 1-0042 -01-024) AS SURPLUS AND TO QUITCLAIM THE RIGHT-OF-WAY.  
[DISTRICT 4.]**

Chairman Liakakis recognized County Attorney Hart.

County Attorney Hart said, yes sir. This is a request for the conveyance of an unopened right-of-way and we have been handling as we typically do. The petitioner is not here today and it has come to my attention that one of the neighbors wishes to speak and be heard on the subject. I have no idea what the gentleman wishes to say, but obviously after he gets his opportunity to be heard, I would think perhaps maybe you might wish to entertain a motion to table so that we can get in touch with the petitioner so we can get both sides of the story out on the table.

Commissioner Kicklighter asked, would the gentleman in the audience be willing for us to just table this and him come back at the same meeting? I don't even know who it is. Would you be willing for us to notify the person that is the petitioner and you come back with it. [Inaudible response.] Commissioner Kicklighter said, okay, well, come on up then. Commissioner Farrell said, well, maybe we could just hear it and we might be able to —. Commissioner Kicklighter said, you can come on up.

Mr. Joey Jeffers said, basically —. Chairman Liakakis said, identify yourself for the record. Mr. Jeffers said, my name is Joey Jeffers, and I have four lots that I built a house on about five years ago that abuts two pieces —, two of my lot where I built the house consists of four lots. Two of them are against, I guess, the area where they are asking the right of way be quick-deeded to this individual. My only concern, and again I am not necessarily opposed, but I had to put a peat most septic system in the backyard which is on these two lots. I have the marsh on one side, we have a high water table, and this area is woods that he's referring to, Mr. Holland I believe his name is. I'm just wondering what is my recourse if that adversely affects my septic system? The reason I say that is we had to work that system twice, I had to work very closely with the Department of Health, and eventually, you know, gutters on the house to divert water, just everything I could, so I am slightly concerned that in taking with Mr. Holland I don't know the exact layout, but I know the septic system or the drain field is probably going to be somewhere in that area of the right-of-way. So, slightly concerned. What is my recourse if it does adversely affect my system?

County Attorney Hart said, I don't generally give advise to individuals. I represent the Commissioners. Does your property front that right-of-way? Mr. Jeffers said, you can see this is my property. [Inaudible response – stepped away from the microphone.] County Attorney Hart said, this gentleman's property is contiguous to the property and if he so chose, he could apply for abandonment. Typically, if you have a property with neighbors on one side and neighbors on the other side of the property we could distribute the property up to 50% for each neighbor to the centerline. I suggest you get with your neighbor and come back and with a joint recommendation it will be easier to pass.

Commissioner Odell said, I would rather do this when we have both parties here at the same time. There are legal issues which are not County issues at this point. You might be entitled to a piece of the property. I think if we handle it all at once, we've got you and we've got the other property owner, we can solve this fairly quickly, but I don't want to do it in piecemeal. But I'm just one out of nine.

Commissioner Farrell said, I'm going to recommend that we table this for two weeks until such time as the adjacent property owners and the appropriate staff can get together and hopefully come up with something that's amenable to all parties. Commissioner Shay said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Let's go on the board. The motion carried unanimously.

**ACTION OF THE BOARD:**

Commissioner Farrell moved to table to the next meeting the request from Mr. Greg Holland for the County to declare the unopened portion of the South Street right-of-way between Lots 127-128 and Lots 85 through 90 of the Betz Creek Subdivision (PINs 1-0042-01-021, 1-0042-01-022, 1-0042-01-087, 1-0042-01-024) as surplus and quitclaim the right-of-way. Commissioner Shay seconded the motion and it carried unanimously.

**AGENDA ITEM: X-5**

**AGENDA DATE: July 25, 2008**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A.G. Bungard, P.E., County Engineer

**ISSUE:** To present to the Board a request from Mr. Greg Holland for the County to declare the un-opened portion of the South Street right-of-way (ROW) between Lots 127-128 and Lots 85 through 90 of the Betz Creek Subdivision, PINs: 1-0042 -01-021, 1-0042 -01-022, 1-0042 -01-087, 1-0042 -01-024, as surplus and to quitclaim the ROW.

**BACKGROUND:** The petitioner owns properties on either side of the subject ROW. This section of South Street runs parallel to Clayton Street on Wilmington Island. The attached map shows the exact location and highlights the requested area of the quitclaim.

**FACTS AND FINDINGS:**

1. The location of the requested right-of-way (ROW) is shown on the attached map. The ROW for South Street was created on the "Betz Creek Subdivision" plat in 1940. The County has never maintained South Street in this location.
2. Notice of the quitclaim petition was sent to the two property owners, Mr. Jeffers Carlton, Jr. and William C. Kimker & Sheila Elaine Fleetwood Trust, whose properties were identified as being potentially affected by the quitclaim. They were notified of the quitclaim request on July 1 and advised as to the date and time of this meeting.
3. Staff received no response from either of the two property owners. Neither of the property owners utilizes this portion of South Street.
4. Staff has checked for possible County use for this ROW. There has been no need identified to retain the ROW for future road or drainage construction.
5. If approved, the petitioner must pay the County the fair market value for the ROW as determined by a professional appraisal, and provide the necessary appraisal, deed and plat at his expense. The appraiser is selected by the petitioner and must be certified as a professional appraiser by the State of Georgia.
6. Staff reviews the submitted appraisals, deeds and plats for completeness and reasonableness before the deed is sent to the County Clerk for processing and the fair market value payment check is sent to Finance for deposit.
7. Mr. Holland was informed in writing (letter attached) that approval of this quitclaim does not guarantee he will receive a building permit for the property. Mr. Holland must provide a means of access to his property from an opened, County maintained right of way before a building permit can be issued.

**ALTERNATIVES:**

1. Declare the portion of South Street ROW between Lots 127-128 and Lots 85 through 90 of the Betz Creek Subdivision, PINs: 1-0042 -01-021, 1-0042 -01-022, 1-0042 -01-087, 1-0042 -01-024, as surplus and quitclaim it to Mr. Greg Holland. The petitioner must pay the County the fair market value for the ROW as determined by a professional appraiser, and provide the necessary appraisal, deed and plat at their expense.
2. Do not approve the request.

**POLICY ANALYSIS:** The Board must declare County property surplus and approve all quitclaim actions.

**RECOMMENDATION:** That the Commissioners adopt Alternative No. 1.

District 4

PREPARED BY: Nathaniel Panther

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**6. REQUEST FROM THE TAX COMMISSIONER’S OFFICE FOR THE BOARD TO APPROVE A QUITCLAIM DEED FOR VARNETTA FRAZIER, PIN 310-05-08 N/K/A 30006-04004, TO CORRECT THE BREAK IN THE TITLE DUE TO THE ABSENCE OF A RECORDED QUITCLAIM DEED AT THE TIME OF ACTUAL REDEMPTION.**

**ACTION OF THE BOARD:**

Commissioner Stone moved to approve the request of the Tax Commissioner’s Office for the Board to execute a quitclaim deed for Varnetta Frazier, PIN 310-05-08 N/K/A 30006-04004, to correct the break in the title due to the absence of a recorded quitclaim deed at the time of actual redemption. Commissioner Thomas seconded the motion and it carried unanimously.

**AGENDA ITEM: X-6**  
**AGENDA DATE: July 25, 2008**

**DANIEL T. POWERS**  
 CHATHAM COUNTY TAX COMMISSIONER  
 133 MONTGOMERY STREET  
 P. O. BOX 8092  
 SAVANNAH, GA 31412  
 (912) 652-7117

**Date:** July 15<sup>th</sup>, 2008

**To:** Pete Liakakis  
 The Chairman of the Board of Commissioners

**From:** Beth R. Lewis  
 Assistant Delinquent Tax Administrator  
 Tax Commissioner’s Office

**Subject:** Request for the approval by Commissioners of the attached Quitclaim deed to be put on the agenda for the next meeting of the Commissioners scheduled for July 25<sup>th</sup>, 2008

This deed is being issued to correct the break in the title due to the absence of a recorded Quitclaim Deed at the time of actual redemption.

<u>Name</u>	<u>PIN#</u>	<u>Amount:</u>
Varnetta Frazier	310-05-08 n/k/a 30006-04004	\$13.22

=====

**7. REQUEST BOARD APPROVAL TO AWARD BIDS AS FOLLOWS: (Please note that new purchase thresholds of \$10,000 or more have been enacted; however, contracts and change orders of a lesser amount still will appear.).**

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
A. Annual software support contract	Tax Commissioner	VisiCraft/ Manatron (Sole Source)	\$43,998	General Fund/M&O - Tax Commissioner
B. Annual software support contract	I.C.S.	Palmetto Microfilm, LLC (Sole Source)	\$24,400	General Fund/M&O - I.C.S.

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
C. Confirmation of the emergency procurement of mechanical engineering services for the HVAC system at the Old Courthouse	Facilities Maintenance and Operations	Smith & Vandenbulck	\$26,300 (Sole Source)	CIP - Facilities Maintenance and Operations
D. Renew liability and hull insurance for four (4) Mosquito Control aircraft	Finance	ACE/ Westchester	\$57,543	Risk Management Internal Service Fund
E. Task order contract for professional engineering services	Engineering	EMC Engineering, Services, Inc.	Not to Exceed \$250,000	•SPLOST (1985-1993) •SPLOST (1998-2003) •SPLOST (2003-2008) •Land Bank Account
F. Amend existing contract to recognize name change	Facilities Maintenance and Operations	T-Mobile USA, Inc.	N/A	N/A
G. Construction contract for a new metal roofing system	C.N.T.	Coastal Roofing Company, Inc.	\$32,695	2005 DSA Bond - C.N.T. Headquarters
H. Two (2) commercial mowers	Parks and Recreation	Andy's Lawn Machinery	\$20,280	General Fund/M&O - Parks and Recreation
I. Change Order No. 1 to the contract for professional engineering services for the Hardin Canal Southbridge Cart Bridge project for additional services	Engineering	Thomas & Hutton	\$17,100	SPLOST (1998-2003) - Hardin Canal Project
J. Change Order No. 1 to the contract for professional engineering services for the S.R 307/ Hardin Canal project for additional services	Engineering	Thomas & Hutton	\$21,700	SPLOST (1998-2003) - Hardin Canal Project
K. Annual hardware and software maintenance	I.C.S.	Veristor Systems, Inc.	\$27,377	General Fund/M&O - I.C.S.
L. Change Order No. 2 to the janitorial services contract for a price increase of 5%	Facilities Maintenance and Operations	R.I.T. Janitorial Services	\$2,250	•General Fund/M&O - Tax Commissioner •General Fund/M&O - Frank G. Murray Community Center •Landbank •Reimbursable Expenses for Metro Police
M. Construction contract for the intersection improvements at Little Neck Road and US 17	Engineering	Griffin Contracting, Inc.	\$446,568	SPLOST (2003-2008) - Unincorporated Roads - Little Neck Road/ US 17
N. Construction contract for the intersection improvements at State Park Road and Diamond Causeway (State Route Spur 204)	Engineering	Malphrus Construction Company, Inc.	\$1,404,622	SPLOST (2003-2008) - Unincorporated Roads - Diamond Causeway
O. Term contract to provide construction equipment and services for County projects	Engineering	T Clearing	Not to Exceed \$250,000	•SPLOST (1985-1993) •SPLOST (1998-2003) •SPLOST (2003-2008) •Land Bank Account
P. Confirmation of emergency Change Order No. 1 to the contract for the re-roofing of picnic shelters at various County parks to add fascia trim	Facilities Maintenance and Operations	MOPAC Plant and Building Service	\$5,800	•General Fund/M&O - Parks and Recreation (L. Scott Stell Park) - \$2,900 •CIP - Parks and Recreation (Kings Ferry) - \$1,450 •CIP - Parks and Recreation (Salt Creek Boat Ramp) - \$1,450
Q. Contract to remove dock and pier structures within the marsh mitigation area for future Truman Parkway, Phase 5 project	Engineering	Lewis Contracting Corporation (WBE)	\$169,000	SPLOST (1998-2003) - Truman Parkway, Phase 5

**As to Items 7-A through 7-Q, except Item 7-N:**

Commissioner Stone moved to approve Items 7-A through 7-Q, except Item 7-N. Commissioner Thomas seconded the motion and it carried unanimously.

Commissioner Kicklighter said, Mr. Chairman, may I comment on one thing that we just approved. Good news for Commissioner Gellatly's district and my district on the Action Calendar, Item M – widens 1,500 feet of Little Neck Road. It will put red lights and everything in on Highway 17 right there, which has been an extremely dangerous area, and it's growing there and we think — I think you and the citizens can look forward to a safer exit and it will be a good thing.

Chairman Liakakis said, yeah, we've been discussing that and wanting that for a while and that's why we kept on with it. Commissioner Kicklighter said, it's a contract.

**As to Item 7-N:**

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I'd like to make a motion for approval, but before that I'd like for Mr. Al Bungard to come to the podium and give us a briefing of where we are on this project and a little bit of background. Commissioner Shay said, Diamond Causeway.

County Engineer Bungard said, well, some time ago you may recall that DOT took over design bid — well, they took over the Diamond Causeway Project, but in the meantime we had some issues out there, the part on the Island. We designed the intersection improvements, full-blown improvements. Eventually it was going to be four-laned all the way from the end of the future bridge up to McWhorter. Those bids came in at like five or six million dollars — it's been a while — so we got back with the DOT and said, well, in light of what the traffic study shows, we scaled back the project, eliminating the traffic signal at McWhorter, keeping the lane between Lake Street and State Park Road, upgrading that signal and we put it out to bid. We got the permit modified and that's where we are.

Commissioner Farrell asked, so are you satisfied that these bids came in at a reasonable price?

County Engineer Bungard said, yes sir, these are great bids considering where we are. We're getting — you'll notice, about a year or two I was up here saying we're lucky to get a bid on the contract. I'm getting five or six bids on every contract now and the prices are good.

Commissioner Farrell said, well, I just want to take this opportunity to say — County Engineer Bungard said, and we accomplished what we wanted. Commissioner Farrell said, — to say a couple of things. One, that this was an item of contention on Skidaway Island that there was some safety issues and what have you with this intersection needing traffic improvements, and I also want to commend our engineering staff for working diligently through this project and being very careful of taxpayer money to not jump at the first bid that we had, which was pretty high and not a good use of taxpayer money, and they took it off the table, which was agreeable to all. So I want to commend that there's a very successful outcome by being patient and working with the engineering staff that we're going to have a traffic signal improvement on Skidaway Island. It's sorely needed and it's coming in at a very reasonable cost and quite a tax savings to the general taxpayer in Chatham County. So with no further — Chairman Liakakis said, well — Commissioner Farrell said, go ahead.

Chairman Liakakis said, well, one of the things, Commissioner Farrell and myself went to the governmental committee on Skidaway Island Landings and we had a lot of discussion with them and told them that we would pursue this, and now because of the County Engineer working diligently with the Department of Transportation, the Georgia Department of Transportation, we are able now to make that area safer and completing our promise that we would be doing this for the residents that live out in that area. Now we need the motion.

Commissioner Farrell said, one other thing. This improvement will all be worked with the future improvements of the widening. None of it will be disposable. It will all be a hundred percent usable, which is a very good thing, that we can have immediate relief to an immediate problem yet we're not spending taxpayer money this year that we have to throw away in year three or five or whenever that part may come. So, thank you for all the patients of the citizens out there that use that intersection, but we are now going forward and I'm very satisfied with what staff has come up with and the solution. So, I make a motion that we approve this. Commissioner Stone said, second.

Chairman Liakakis said, we have a motion on the floor and a second to approve this item. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Kicklighter was not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

- a. Commissioner Stone moved to approve Items 7-A through 7-Q, except Item 7-N. Commissioner Thomas seconded the motion and it carried unanimously.
- b. Commissioner Farrell moved to approve Item 7-N. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

**AGENDA ITEM: X-7 A THRU Q**  
**AGENDA DATE: July 25, 2008**

**TO: BOARD OF COMMISSIONERS**

**THRU: R.E. ABOLT, COUNTY MANAGER**

**FROM: MICHAEL A. KAIGLER, DIRECTOR  
HUMAN RESOURCES & SERVICES**

**SUBJECT: AWARD OF BIDS**

**ITEM A**

**ISSUE:** Request Board approval of the \$43,998 sole source annual support software contract from VisiCraft/Manatron for the Tax Commissioner's office.

**BACKGROUND:** VisiCraft Systems/Manatron Property Tax Collection program is used for property tax billing, collection and disbursement. The annual support contract provides user support, operating support, upgrades and new program releases.

**FACTS AND FINDINGS:**

1. Manatron/VisiCraft Systems, Inc., of Portage, MI, is the only company permitted to make changes or updates to their proprietary software, thereby qualifying these agreements to fall under a sole-source procurement.
2. This annual support software contract reflects a 7% increase over the cost of the agreement for last fiscal year. The increase includes enhancements that have been requested to existing programs.
3. Staff believes the total cost of \$43,998 to be fair and reasonable.

**FUNDING:** General Fund/M & O - Tax Commissioner  
(1001545 - 52.11001)

**ALTERNATIVES:**

1. Board approval of the \$43,998 sole source annual support software contract from VisiCraft/Manatron for the Tax Commissioner's office.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to strive for the most efficient and effective means of service delivery.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

I.C.S. APPROVAL \_\_\_\_\_  
LEWIS LEONARD

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM B**

**ISSUE:** Request Board approval of a \$24,400 sole source annual software maintenance renewal to Palmetto Microfilm, LLC. for the I.C.S. department.

**BACKGROUND:** This maintenance is for support for Application Extender software, WebExtender, ScanExtender, Data Manager, Work Flow bundle and Work Flow Server from Palmetto Microfilm, Inc. for various departments within the county who scan documents into the document imaging system.

**FACTS AND FINDINGS:**

1. Chatham County I.C.S. has purchased all Application Extender, or AX licenses from Palmetto Micro. I.C.S. has recommended that all departments using document imaging use the AX software as a standard and annual maintenance is a requirement.
2. The maintenance agreement reflects a 2% increase over last year's agreement. Staff believes the increase is fair and reasonable.
3. ICS recommends the maintenance renewal for support for this software for all users scanning documents into document imaging.

**FUNDING:** General Fund/M & O - I.C.S.  
(1001535 - 52.22001)

**ALTERNATIVES:**

- (1) Board approval of a \$24,400 sole source annual software maintenance renewal to Palmetto Microfilm, LLC. for the I.C.S. department.
- (2) Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve annual maintenance agreements for software used in daily operations.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

I.C.S. APPROVAL \_\_\_\_\_  
LEWIS LEONARD

BUDGET APPROVAL \_\_\_\_\_  
GLORIA SAUGH

**ITEM C**

**ISSUE:** Request Board confirmation of the \$26,300 sole source emergency procurement of mechanical engineering services from Smith & Vandenbulck for the HVAC system at the Old Courthouse.

**BACKGROUND:** The HVAC system is a water source heat pump system that is installed overhead. Due to air and poor selection of materials, the PVC pipes of at least eight (8) units have burst, causing water damage.

**FACTS AND FINDINGS:**

1. In the last three (3) years, over \$50,000 in damage has occurred due to the pipes bursting.
2. The vendor selected, Smith & Vandenbulck, was the firm that designed the system. The firm has the blueprints of the original design and of other modifications.
3. Staff contacted Smith & Vandenbulck for pricing for the engineering services. The total cost for the project is \$26,300. This price includes providing mechanical, electrical and plumbing engineering services.
4. Staff requested emergency approval from the Chairman so the project could proceed in a timely manner. He concurred (see attached page 21) and directed staff to seek Board confirmation at their next scheduled meeting.

**FUNDING:** CIP - Facilities Maintenance and Operations  
(3501565 - 54.13001 - 35030017)

**ALTERNATIVES:**

1. Board confirmation of the \$26,300 sole source emergency procurement of mechanical engineering services from Smith & Vandenbulck for the HVAC system at the Old Courthouse.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to confirm the emergency procurement of engineering services in order to proceed with a project in a timely manner.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM D**

**ISSUE:** Request Board approval to renew liability and hull insurance for four (4) Mosquito Control aircraft with ACE/Westchester.

**BACKGROUND:** Mosquito Control purchases aviation hull (physical damage) and liability insurance to protect highly valued assets, the public, and non-employee passengers in the event of an accident. Mosquito Control insures two (2) fixed-wing aircraft and two (2) helicopters.

**FACTS AND FINDINGS:**

1. The County's insurance broker, Wachovia Insurance Services, received two (2) renewal quotations. Two (2) other insurance carriers decline to submit quotations.
2. The County received a quotation from the current carrier, Old Republic, in the amount of \$70,250. Old Republic did not include War/Terrorism in their basic quote.
3. The County also received a quotation from ACE/Westchester Insurance Company in the amount of \$54,193. ACE/Westchester has included War/Terrorism coverage in their basic quote in addition to providing broad use of all aircraft.
4. Old Republic quoted Chemical Liability as an option at \$100,000/occurrence and \$200,000 annual aggregate for an additional annual premium of \$1,000.
5. ACE/Westchester quoted Chemical Liability as an option at \$300,000/occurrence and \$1,000,000 annual aggregate for an additional annual premium of \$3,350.
6. Quotation summaries are attached on pages 22-23.
7. Both carriers providing quotations have an A+ rating as determined by A.M. Best Company.

**FUNDING:** Risk Management Internal Service Fund  
(6259922 - 52.31021)

**ALTERNATIVES:**

1. Initiate coverage with ACE/Westchester with a base annual premium of \$54,193 and the optional Chemical Liability Endorsement with an annual premium of \$3,350. Total annual premiums \$57,543.
2. Renew aviation and hull insurance coverage with incumbent carrier, Old Republic with a base annual premium of \$70,250 and the optional Chemical Liability Endorsement with an annual premium of \$1,000. Total annual premiums \$71,250.
3. Reject all quotations and provide staff other direction.

**POLICY ANALYSIS:** The County has chosen to provide liability coverage for Mosquito Control aerial application based on the geographical area served. In addition, hull coverage has been purchased to protect highly valued aircraft.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM E**

**ISSUE:** Request Board approval to award a professional consulting services task order contract in the amount not to exceed \$250,000 with EMC Engineering Services, Inc.

**BACKGROUND:** There are numerous small drainage and road improvement projects that can be accomplished by engineer and technical services companies that are either pre-qualified by the Georgia Department of Transportation or have demonstrated their capability to accomplish quality and timely

work. Over the past several years, EMC Engineering Services, Inc. (EMC) has demonstrated mixed results on a number of engineering design projects awarded to the firm. Several projects have been completed in good order and have been constructed including Pipemakers Canal Phase 1 and Ogeechee Farms Phase 1.

**FACTS AND FINDINGS:**

1. EMC is the engineer of record for the Pipemakers Canal Drainage Improvement project and the Ogeechee Farms Drainage Improvement project. Both projects are being completed in phases at the direction of the County. The contract agreements for both projects have unfinished deliverables which EMC is working on to complete.
2. EMC completed engineering design work for Pipemakers Canal Phase 2 and Ogeechee Farms Phase 2 drainage improvement projects. The contract agreements for both projects are several years old and many environmental regulations have changed including changes to permits issued by the U.S. Army Corps of Engineers, to stream buffer variance requirements of the Georgia Department of Natural Resources, and to standards governing design for erosion and sediment and control as regulated by the Natural Resources Conservation Service.
3. The contract will be managed by task order, focusing on bringing to completion the Pipemakers and Ogeechee Farms drainage projects and on small design projects where a specific advantage can be identified. The scope of engineering services will include, but will not be limited to:
  - a. Design of drainage canals, road crossing culverts, storm drainage pipes and tide gates, roads, and sidewalk projects.
  - b. Permitting including preparation of erosion and sediment and control plans, drawings required for stream buffer variances, and permit application documentation.
  - c. Land surveying in support of services described above.
  - d. Engineering and technical support services related to construction including review of submittals, review of construction materials and testing results, and surveys to establish as-built conditions and quantity measurements for final payment.
4. As engineer of record, EMC has unique experience with the history, technical aspects, permitting issues and construction of these projects. The firm has the capability to provide the needed engineering services and is a qualified local consultant that can be responsive to providing these services and the County stands to save by taking advantage of their previous work.
5. To maintain continuity and cost, State law allows contracting with the professional engineering firm used for previous studies and plans without further competitive process when those existing studies and plans can be reused.

**FUNDING:** SPLOST (1985-1993)  
 SPLOST (1998-2003)  
 SPLOST (2003-2008)  
 Land Bank Account

**ALTERNATIVES:**

1. Board approval to award a professional consulting services task order contract for an amount not to exceed \$250,000 with EMC Engineering Services, Inc.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve sole source task order contracts when it is in the best interest of the County.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
 ESTELLE BROWN

**ITEM F**

**ISSUE:** Request Board approval of an amendment to the existing contract for the Tower Roof Lease Agreement with T-Mobile South, LLC , to acknowledge a name change to T-Mobile USA, Inc.

**BACKGROUND:** Board approved at their 23 July 1997 meeting, a contract for the Lease of the Tower Roof at the Judicial Courthouse on Montgomery Street, with SunCom Wireless Powertell. T-Mobile South, LLC., assumed the contract on 11 August 2006.

**FACTS AND FINDINGS:**

1. Staff was notified by T-Mobile USA, LLC., of the name change for the Tower Roof Lessee.
2. T-Mobile USA, LLC., purchased T-Mobile South, Inc. on 22 February 2008. This amendment is needed to reflect the name change to the contract.
3. There will be no changes to the terms and conditions of this contract.

**FUNDING:** N/A

**ALTERNATIVES:**

- (1) Board approval of an amendment to the existing contract for Tower Roof Lease Agreement with T-Mobile South, LLC, to acknowledge a name change to T-Mobile USA, Inc.
- (2) Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to amend contracts that require any changes made to the name, terms, and conditions.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM G**

**ISSUE:** Request Board approval to award a \$32,695 construction contract to Coastal Roofing Company, Inc. for a new metal roofing system for the Chatham-Savannah C.N.T. building.

**BACKGROUND:** The building to be re-roofed is the CNT warehouse building. There are presently holes throughout the roof panels allowing rain to enter the interior of the building. Due to the existing roof being 20 years old, a complete tear-off and re-roof by installing a standing seam metal roof is the best and most cost effective repair.

**FACTS AND FINDINGS:**

1. The condition of the present roof is beyond economical repair. Re-roofing is necessary to protect the interior of the building. A new metal roof system will prolong the life of the building and also enhance the appearance.
2. This project was properly advertized and five (5) bids were received and opened 8 July 2008. The bids are as follows:

Coastal Roofing Company, Inc. Port Wentworth, GA	\$32,695
Southern Roof & Wood Care Corp. Hilton Head, SC	\$45,143
Roofing Professionals, Inc. Richmond Hill, GA	\$53,457
MGC Roofing & Construction, Inc. Warner Robins, GA	\$69,536
Metalcrafts, Inc. Savannah, GA	\$77,870

3. Staff believes the bid from Coastal Roofing Company, Inc. to be fair and reasonable.

**FUNDING:** 2005 - DSA Bond - C.N.T. Headquarters

(3703222 - 54.13011 - 37032677)

**ALTERNATIVES:**

1. Board approval to award a \$32,695 construction contract to Coastal Roofing Company, Inc. for a new metal roofing system for the Chatham-Savannah C.N.T. building.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award contracts to the low responsive, responsible bidder.

**RECOMMENDATIONS:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
TOM DRANE

**ITEM H**

**ISSUE:** Request Board approval of the \$20,280 purchase of two (2) commercial mowers from Andy's Lawn Machinery for Parks and Recreation.

**BACKGROUND:** In an effort to enhance the appearance of County facilities, the Board in 2005 approved an additional sixteen employees for Park Services Maintenance Section. During the past three (3) years, all but six (6) positions were funded in the based budget. These six (6) positions will be funded in the 2008 and 2009 based budget.

**FACTS AND FINDINGS:**

1. This equipment will reduce the mowing time that is required at each location. By reducing the mowing time, the crews are able to cover more parks daily.
2. The Board previously approved at their 13 June 2008 meeting the purchase of one (1) commercial mower.
3. Staff contacted Andy's Lawn Machinery to see if they would agree to the same pricing, terms and conditions. Andy's Lawn agreed to honor the pricing from June.
4. Staff believes the total cost of \$20,280 for two (2) commercial mowers be fair and reasonable.

**FUNDING:** General Fund/M & O - Parks and Recreation  
(1006100 - 54.25001)

**ALTERNATIVES:**

1. Board approval of the \$20,280 purchase of two (2) commercial mowers from Andy's Lawn Machinery for Parks and Recreation.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve a recommendation that will improve and enhance recreational facilities for the citizens of Chatham County.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
RUSHEDA ADESHINA

**ITEM I**

**ISSUE:** Request Board approval of Change Order 1 in the amount of \$17,100 to the contract with Thomas & Hutton Engineering, Inc. (T&H), for the Hardin Canal Southbridge Cart Bridge project, for professional engineering services to modify erosion and sediment control plans, for additional survey work, and to amend the compensation schedule.

**BACKGROUND:** The Hardin Canal Drainage Improvement Project includes widening the canal between SR 307 and Interstate 16, constructing new road crossings on S.R. 307 and constructing maintenance roads along the canal. This engineering services contract is to design two (2) golf cart bridges over the Hardin Canal on the Southbridge Golf Course.

**FACTS AND FINDINGS:**

1. The project will replace two (2) bridges over the Hardin Canal located within the Southbridge Golf Course. Construction of the bridges and canal widening requires acquiring right of way from the Golf Course. When all rights of way are acquired, final design work will commence .
2. In 2006 T&H was awarded a contract to survey for and design the new bridges. The scope of work included preparing erosion and sediment control plans, but since 2006 the regulations for preparing these plans have changed and become far more rigorous. This change order will pay for preparing new erosion and sediment control plans in accordance with current requirements.
3. The County negotiated with the owners of the golf course for nearly two (2) years for the right of way, specifically over Special Provisions relating to potential impacts to revenue during construction of the drainage improvements on the golf course. The Special Provisions have been agreed upon subject to staking the improvements in detail for the owner’s inspection. This change order will pay for the survey effort to stake out the work.
4. During the two year delay in the project, at staff’s direction most of the design in the scope of work was placed on hold while negotiations for the rights of way were being pursued. During this time, the engineer experienced cost increases due in part to higher labor rates. This change order will amend the compensation schedule to complete the design.

5. Contract history:

Original Contract (9-8-06)	\$70,400
Change Order 1 (pending)	<u>\$17,100</u>
Revised Contract Amount	\$87,500

**FUNDING:** SPLOST (1998 - 2003) - Hardin Canal Project  
(3224250 - 52.12003 - 32280223)

**ALTERNATIVES:**

1. Board approval of Change Order 1 in the amount of \$17,100 to the contract with Thomas & Hutton Engineering, Inc. (T&H) for the Hardin Canal Southbridge Cart Bridge project, for professional engineering services to modify erosion and sediment control plans, for additional survey work, and to amend the compensation schedule.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders necessary for the completion of projects.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM J**

**ISSUE:** Request Board approval of Change Order 1 in the amount of \$21,700 to the contract with Thomas & Hutton Engineering, Inc. (T&H) for the S.R. 307/Hardin Canal Improvements project, for professional engineering services to modify the roadway design from four (4) lanes to two (2) lanes, and to revise the traffic control plans for road closure during construction.

**BACKGROUND:** The Hardin Canal drainage improvement project includes constructing new crossings for the canal under S.R. 307 (Dean Forest Road), widening the canal upstream to Interstate 16, and constructing maintenance roads along the canal. This engineering services contract is to design two (2) highway bridges crossings over the Hardin Canal, aligned to accommodate the alignment planned as part of the Chatham Urban Transportation Study (CUTS) Transportation Improvement Project (TIP) project to widen S.R. 307 from I-16 to U.S. 17.

**FACTS AND FINDINGS:**

1. The original contract scope of work included widening a section of S.R. 307 to four (4) lanes. In January 2008, the Georgia Department of Transportation requested that the County consider leaving the road as two (2) lanes and offered to allow road closure to save expenses.

2. Working with the Chatham Emergency Management Agency (CEMA), comments were solicited from local jurisdictions and emergency responders regarding a temporary road closure. Concerns received from Southside Fire Department will be addressed by staff. Staff believes the temporary road closure can be scheduled during the school summer break.
3. The estimate by the design engineer to construct the two (2) bridges and a two (2) lane roadway without a road closure is \$5,600,000. The estimate for construction with a road closure is \$4,600,000. Both scenarios support the future widening to four (4) lanes and include flattening out the curve in the roadway at the canal.
4. This change order will pay for design effort to revise the construction and traffic control plans.
5. Contract history:

Original Contract (1-14-05)	\$299,092
Change Order 1 (pending)	<u>21,700</u>
Revised Contract Amount	\$320,792

**FUNDING:** SPLOST (1998 - 2003) - Hardin Canal Project  
(3224250 - 52.12003 - 32280223)

**ALTERNATIVES:**

1. Board approval of Change Order 1 in the amount of \$21,700 to the contract with Thomas & Hutton Engineering, Inc. (T&H) for the S.R. 307/Hardin Canal Improvements project, for professional engineering services to modify the roadway design from four (4) lanes to two (2) lanes, and to revise the traffic control plans for road closure during construction.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders necessary for the completion of projects.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM K**

**ISSUE:** Request Board approval of the \$27,377 annual hardware and software maintenance agreement from Veristor Systems Inc. for the I.C.S Department.

**BACKGROUND:** The Spectra G64K Tape Library and the Spectra 2K Tape Library include nine (9) AIT3 tape drives, five (5) AIT2 tape drives, two (2) AIT5 tape drives and five (5) QIP drives with 250 slots. These are hardware units that are used to backup about 98% of Chatham County's data on the network. The Sheriff's Department has their own backup drives covering the remaining amount at their site. Because these units are required to backup hundreds of Gigabytes of data daily, it is imperative that we purchase maintenance agreements for them. This maintenance is for hardware and software support for one (1) year.

**FACTS AND FINDINGS:**

1. G64K Spectra Logic ASM Gold Assisted Self-Maintenance/Onsite Stock of spare parts and 7x24 Phone Support Renewal for an annual cost of \$26,153.
2. 2K Spectra Logic Advanced Exchange/Next Business Day Replacement & 5x8 Phone Support Renewal for an annual cost of \$1,224.
3. Veristor is the designated reseller of this maintenance agreement and Spectra Logic provides the maintenance service.
4. This year's cost is the same as last year's cost. Staff believes the current cost to be fair and reasonable.

**FUNDING:** General Fund M&O - I.C.S.  
(1001535 - 52.22001)

**ALTERNATIVES:**

1. Board approval of the \$27,377 annual hardware and software maintenance agreement from Veristor Systems Inc. for the I.C.S Department.
2. Provide staff other direction

**POLICY ANALYSIS:** It is consistent with Board policy to provide the necessary software and hardware maintenance agreements to provide support for backups of data on the County network.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

I.C.S. APPROVAL \_\_\_\_\_  
LEWIS LEONARD

BUDGET APPROVAL \_\_\_\_\_  
GLORIA SAUGH

**ITEM L**

**ISSUE:** Request Board approval to issue Change Order No.2, in the amount of \$187.50 per month, to the annual contract with R.I.T. Janitorial Services of Savannah, to allow for a 5% increase to the Janitorial Services contract.

**BACKGROUND:** On 20 July 2007, the Board approved a janitorial services contract with R.I.T. Janitorial Services, of Savannah.

**FACTS AND FINDINGS:**

1. The request for a 5% increase to the contract is based on the current rise in wages and cost of supplies.
2. Under R.I.T.'s Janitorial Services contract the followings facilities are serviced:

<u>Facility</u>	<u>Old Monthly Rate</u>	<u>New Recommended Rate</u>
Islands Police Precinct 54 Johnny Mercer Blvd	\$1,900.00	\$1,995.00
408 Broughton Street	650.00	683.50
Frank G. Murray Community Center	750.00	787.50
Wilmington Island Tag Office	450.00	472.50
<b>Total Amount of Increase</b>		<b>\$ 187.50</b>

3. Staff believes the 5% increase total cost of \$187.50 per month for janitorial services to be fair and reasonable.
4. Contract history is as follows:

Original Contract Amount (7-20-07)	\$14,400/Year
Change Order No. 1 (11/11/07)	30,600/Year
5% Increase (Pending)	<u>2,250/Year</u>
Revised Contract Amount	\$47,250Year

**FUNDING:** General Fund/M&O - Tax Commissioner  
(1001545 - 52.11001)  
General Fund/M&O - Frank G. Murray Community Center  
(1005530 - 52.21301)  
Landbank  
(2919909 - 57.30101)  
Reimbursable Expenses for Metro Police  
(2709957 - 57.10009)

**ALTERNATIVES:**

- (1) Request Board approval to issue Change Order No.2, in the amount of \$187.50 per month, to the annual contract with R.I.T. Janitorial Services of Savannah, to allow for a 5% increase to the Janitorial Services contract.

- (2) Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to issue Change Orders to essential service contracts if it is in the best interest of the County.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM M**

**ISSUE:** Request Board approval to award a \$446,569 construction contract to Griffin Contracting, Inc. to construct the intersection improvements at Little Neck Road and US 17.

**BACKGROUND:** The project involves widening approximately 1,500 feet of Little Neck Road from its intersection with US 17, as well as installing a traffic signal at the intersection of Little Neck/US 17. The widening of Little Neck Road involves lengthening the dedicated left and right turn lanes on Little Neck for southbound traffic towards US 17, and installing two (2) separate left turn lanes into the Laurel Hill Village commercial development. The developer of Laurel Hill has agreed to share in the cost of the widening improvements.

**FACTS AND FINDINGS:**

1. This project was properly advertized and eight (8) bids were received and opened 16 July 2008. The bids are as follows:

Griffin Contracting, Inc. Pooler, GA	\$446,568
A. D. Williams Construction Company, Inc. Savannah, GA	\$460,099
E&D Contracting Services, Inc. * Savannah, GA	\$498,238
Malphrus Construction Company, Inc. Ridgeland, SC	\$504,566
Cleland Site Prep, Inc. Ridgeland, SC	\$522,985
Sandhill ALS Construction, Inc.** Hardeeville, SC	\$538,685
Bryco, Inc. Rincon, GA	\$577,867
Carroll & Carroll, Inc. Savannah, GA	\$690,844

\* WBE firm

\*\* MBE firm

2. Staff believes the bid from Griffin Contracting, Inc. to be fair, reasonable and within the established estimate of this project. The project is expected to be completed within 150 days from the Notice To Proceed.

**FUNDING:** SPLOST (2003 - 2008) - Unincorporated Roads, Little Neck Road/US 17  
(3234220 - 54.14001 - 32356207)

**ALTERNATIVES:**

- Board approval to award a \$446,569 construction contract to Griffin Contracting, Inc. to construct the intersection improvements at Little Neck Road and US 17.
- Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award construction contracts to the low, responsive, responsible bidder.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM N**

**ISSUE:** Request Board approval to award a \$1,404,622 construction contract to Malphrus Construction Co. Inc. to construct the intersection improvements at State Park Road and Diamond Causeway (State Route Spur 204).

**BACKGROUND:** This construction project installs a new signal at State Park Road and continues the four-lane section from Lake Street along Diamond Causeway (Spur 204) west of the intersection of State Park Road and Diamond Causeway.

**FACTS AND FINDINGS:**

1. This project was properly advertized and five (5) bids were received and opened 16 July 2008. The bids are as follows:

Malphrus Construction Co., Inc. Ridgeland, S.C.	\$1,404,622
Cleland Site Prep, Inc. Ridgeland, S.C.	\$1,522,316
Griffin Contracting, Inc. Pooler, GA	\$1,577,926
Bryco, Inc. Rincon, GA	\$1,850,000
Carroll & Carroll, Inc. Savannah, GA	\$1,995,860

2. Staff believes the bid from Malphrus Construction Co., Inc. to be fair and reasonable. The project is expected to be completed within 180 days from the Notice To Proceed.

**FUNDING:** SPLOST (2003 - 2008) - Unincorporated County Roads, Diamond Causeway (3234220 - 54.14001 - 32356517)

**ALTERNATIVES:**

1. Board approval to award a \$1,404,622 construction contract to Malphrus Construction Co. Inc. to construct the intersection improvements at State Park Road and Diamond Causeway (State Route Spur 204).
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award construction contracts to the low, responsive, responsible bidder.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM O**

**ISSUE:** Request Board approval of a Term Contract in an amount not to exceed \$250,000 with T Clearing to provide construction equipment and services for County projects.

**BACKGROUND:** The Term Contract provides for "as-needed" construction equipment with operators for tasks at various County projects. Typical tasks include clearing, tree removal, grubbing, earthmoving, grading, demolition and debris removal. This will be the fourth contract. The third contract was used for removal and disposal of the Old Highway 204 bridges, site preparation for the jail expansion, clearing

at the wetlands mitigation bank, construction of a staging area for the Hardin Canal bridge project, Village Green drainage improvements, and demolition and clearing for Truman Parkway, Phase 5.

**FACTS AND FINDINGS:**

1. As stated in the reports for the previous term contracts, engineering staff routinely has to solicit local vendors for availability of certain types of construction equipment for numerous small projects. No single vendor has been able to provide all the equipment needed. Many will not deliver the equipment [requiring that the equipment be picked up and returned] and will not provide the operators or fuel. For those that do deliver, the rates are higher than those of the proposed contractor. The negotiated rental rates across the spectrum are less than the prevailing rates from other local vendors.
2. Unforeseen site conditions on projects frequently require mobilizing additional construction equipment. Obtaining cost estimates from contractors and negotiating time extensions usually results in delays. Access to “as needed” equipment also facilitates responding to emergencies.
3. This contract will be responsive for planned and unanticipated needs on projects. Work will be managed by and at the direction of staff engineers. Costs will be at hourly rental rates with operators and fuel established by this contract. Work directives will be by “task order,” mobilizing only the equipment necessary for specified tasks. If construction materials (e.g. aggregate, pipe, silt fence) are needed, they will be procured separately. The contractor agrees to mobilize the “task organized” equipment mix “on call” anywhere in the County.

**FUNDING:** SPLOST (1985-1993)  
 SPLOST (1998-2003)  
 SPLOST (2003-2008)  
 Land Bank Account

**ALTERNATIVES:**

1. Board approval for a Term Contract in an amount not to exceed \$250,000 with T Clearing to provide construction equipment and services for County projects.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award term contracts when it is in the best interest of the County.

**RECOMMENDATIONS:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
 ESTELLE BROWN

**ITEM P**

**ISSUE:** Request Board confirmation of the emergency approval of Change Order 1 in the amount of \$5,800 to the contract with MOPAC Plant and Building Service, for the re-roofing of picnic shelters at various Chatham County Parks, to add fascia trim to the shelters.

**BACKGROUND:** On 25 April 2008, the Board awarded a construction contract to MOPAC Plant and Building Service for the re-roofing of five picnic shelters at various Chatham County Parks.

**FACTS AND FINDINGS:**

1. During construction, it was discovered that the fascia for the shelters was not part of the original scope of work of the contract. Since it was necessary to add this additional work to the contract while the contractor was still on-site, staff requested emergency approval from the Chairman to add the fascia to the shelters. He concurred and directed staff to seek confirmation at their next schedule meeting (see attached page 24).
2. Installing the fascia trim will greatly enhance the overall appearance of all five (5) shelters and project the look of a well maintained County structure. It will also provide additional protection from deterioration due to water, rot and weather conditions, increasing the life of the shelters.
3. Contract history:

Original contract (4-25-08)	\$56,457
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- 2. Staff believes the bid from Lewis Contracting Corp. to be fair and reasonable. The project is expected to be completed within 60 days from the Notice To Proceed.

**FUNDING:** SPLOST (1998 - 2003) - Truman Parkway, Phase 5  
(3224220 - 54.14005 - 32250477)

**ALTERNATIVES:**

- 1. Board approval to award a \$169,000 contract to Lewis Contracting Corp. to remove dock and pier structures within the marsh mitigation area for future Truman Parkway, Phase 5 project.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award construction contracts to the low, responsive, responsible bidder.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

PREPARED BY \_\_\_\_\_  
PURCHASING AGENT

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**XI. FIRST READINGS**

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting.  
On first reading, presentation by MPC staff and discussion only by Commissioners will be heard.  
Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

None.

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**XII. SECOND READINGS**

- 1. **THE PETITIONER, RALPH BROEILS, AGENT FOR (CHATHAM COUNTY RECREATION AUTHORITY) IS REQUESTING REZONING FOR 663 LITTLE NECK ROAD FROM A PUD-C (PLANNED UNIT DEVELOPMENT-COMMUNITY) CLASSIFICATION TO A PUD-M-6 (PLANNED UNIT DEVELOPMENT MULTI FAMILY-6 UNITS PER NET ACRE). THE MPC RECOMMENDED APPROVAL.  
MPC FILE NO. Z-080513-00061-1  
[DISTRICT 7.]**

Commissioner Odell said, move for approval. Commissioner Farrell said, second.

Chairman Liakakis said, we have a motion on the floor and a second to approve this. Let's go on the board. [NOTE: Commissioner Kicklighter was not present.]

Chairman Liakakis said, you did a good job this morning. Mr. Jim Hansen said, well, thank you, I appreciate that. Chairman Liakakis said, we thank you for that.

**ACTION OF THE BOARD:**

Commissioner Odell moved to approve the petition of Ralph Broeils, Agent (Chatham County Recreation Authority) requesting the rezoning for 663 Little Neck Road from a PUD-C (Planned Unit Development-Community) classification to a PUD-M-6 (Planned Unit Development Multi Family – 6 Units Per Net Acre) classification. Commissioner Farrell seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]

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**RECOGNITION OF GUEST**

Chairman Liakakis said, what I'd like to do right now is recognize a member of our audience who has come on board and is now the Executive Director for the Coastal Georgia Regional Development Center, and he came on board — we looked at a lot of applicants all over where they had come in to replace the former Executive Director, and Allen Burns has come on board. I think he started in March. Is that correct, Allen? And Allen has done an outstanding job working with all the 35 cities, of course, and the 10 counties that are in that district. And now he's got a hard job because now there is a change in that. It will be changing from the way that the RDC is set up now to a more comprehensive type of plan that the Governor wanted put in position and sometimes in the not too distant future, there will not be anymore regular RDCs, but I guess to some degree we are the pilot program for that. Instead of having 10 counties, we're starting out around six and we might add some more to that very shortly. Allen, would you like to come up to the podium and say anything.

Mr. Burns said, I just want to say good morning and I'm going around visiting with all of the Commissions and Councils in our region just to kind of get a feel for what goes on and what's important to y'all. So I appreciate y'all having me here this morning and I've enjoyed the discussions that have gone on and I look forward to working with all of you. Thank you, sir.

Chairman Liakakis said, thank you, Allen.

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**XIII. INFORMATION ITEMS**

**1. PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A status report was attached for review.

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**2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A status report was attached for review.

**AGENDA ITEM: XIII-2  
AGENDA DATE: July 25, 2008**

List of Purchasing Items between \$2,500 and \$9,999  
That Do Not Require Board Approval

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Cut and remove trees due to storm damage on Ferguson Avenue, Shipyard at Ferguson and Whitefield Avenue to clear roadway	Public Works	Sharp Tree Service	\$7,425	SSD-Public Works (FY2007/2008)
Repair large walk over bridge at Scott Stell Park	Parks and Recreation	Mopac Plant & Building Services (Sole Source)	\$8,600	CIP - Parks and Recreation

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
44.5 cubic yards of concrete	Facilities Maintenance	Coastline Concrete (Sole Source)	\$5,089	SPLOST (2003-2008) - Runaway Point Park
Annual maintenance agreements for miscellaneous office equipment	Magistrate Court	Savannah Business Equipment	\$2,856	General Fund/M&O - Magistrate Court
Annual maintenance agreements for miscellaneous office equipment	Superior Court Clerk	Savannah Business Equipment	\$7,266	General Fund/M&O - Superior Court Clerk
Annual service charge for alarm system at Eisenhower Tag Office	Tax Commissioner	ADT Security Services	\$4,465	General Fund/M&O - Tax Commissioner
Ten (10) 8 x 4 x 20 hard wood traction mats	Mosquito Control	Beasley Forest Products	\$5,900	General Fund/M&O - Mosquito Control
Annual hosting/maintenance of Tax Commissioner web site	Tax Commissioner	Binary Bus	\$4,500	General Fund/M&O - Tax Commissioner
Replacement of 15 ton Carrier heat pump at 2 <sup>nd</sup> floor parking garage annex	Facilities Maintenance	Boaen Mechanical	\$9,756	General Fund/M&O - Facilities Maintenance
Consultant fee for new irrigation plan at Charlie Brooks Park and irrigation repairs to existing systems at Charlie Brooks Park and Soccer complex	Parks and Recreation	Land-Tech, Inc.	\$8,296	General Fund/M&O - Parks and Recreation
One (1) pressure washer	Mosquito Control	Savannah Cleaning Systems	\$9,966	General Fund/M&O - Mosquito Control
Dock for Rodney J. Hall boat ramp	Parks and Recreation	Stafford Marine Construction	\$9,500	CIP - Parks and Recreation
Establishment of postage escrow account	Tax Commissioner	World Marketing	\$3,800	General Fund/M&O - Tax Commissioner
August 2008 tag renewals and postage	Tax Commissioner	World Marketing	\$5,721	General Fund/M&O - Tax Commissioner
Annual service agreement on x-ray detector at Juvenile Court	Sheriff	Smiths Detection	\$5,300	General Fund/M&O - Sheriff
Rental agreement for mailing equipment for Print Shop	Administrative Services	Pitney Bowes	\$7,608	General Fund/M&O - Administrative Services
Repair of inmate visitation phone system	Detention Center	Sound Powered Company	\$7,600	General Fund/M&O - Detention Center
Demolition of two (2) pavilions at Kings Ferry Park	Facilities Maintenance	The House Doctor	\$6,980	CIP - Parks and Recreation
One (1) diagnostic scanner	Mosquito Control	Snap-On-Tools	\$3,695	General Fund/M&O - Mosquito Control
Cut and remove broken limbs and trees located at 8800-8900 Ferguson Avenue	Public Works	Sharp Tree Service	\$4,950	SSD - Public Works (FY2008-2009)

<u>ITEM</u>	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
Furnish and install new glass in existing frames at the old jail	Facilities Maintenance	Jack Ricks Glass	\$2,700	General Fund/M&O - Facilities Maintenance
Paint one (1) truck	Mosquito Control	Higdon's Collision Center	\$3,084	General Fund/M&O - Mosquito Control
Baseball/softball umpires for May	Parks and Recreation	Greater Savannah Umpires Assn. (Sole Source)	\$3,265	General Fund/M&O - Parks and Recreation
Baseball/softball umpires for half of June	Parks and Recreation	Greater Savannah Umpires Assn. (Sole Source)	\$3,605	General Fund/M&O - Parks and Recreation
HVAC maintenance agreement for Police Annex, Tag Office, Building Safety and Administrative Annex	Facilities Maintenance	Boaen Mechanical	\$3,828	•SSD - Reimbursable Expenses - \$3,480 •General Fund/M&O - \$174 •Tax Commissioner - \$174 •Building Safety - \$173
HVAC maintenance agreement	Aquatic Center	Boaen Mechanical	\$4,956	General Fund/M&O - Aquatic Center

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**EXECUTIVE SESSION**

Upon motion being made by Commissioner Odell and seconded by Commissioner Shay, the Board recessed at 11:36 a.m. to go into Executive Session for the purpose of discussing potential litigation.

The meeting of the Board of Commissioners reconvened at 11:54 a.m.

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Upon motion being made by Commissioner Odell and seconded by Commissioner Shay, the Board recessed at 12:12 p.m. to go into Executive Session for the purpose of discussing litigation and personnel.

Following adjournment of the Executive Session, the meeting of the Board of Commissioners was reconvened at 12:45 p.m.

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**ITEMS FROM EXECUTIVE SESSION**

- 1. REQUEST BOARD APPROVE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN AFFIDAVIT THAT THE EXECUTIVE SESSION WAS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT.**

**ACTION OF THE BOARD:**

Commissioner Shay moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Holmes seconded the motion and it carried unanimously.

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**APPOINTMENTS**

**1. COASTAL AREA DISTRICT DEVELOPMENT AUTHORITY**

**ACTION OF THE BOARD:**

Commissioner Shay moved to appoint Ms. Eula J. Parker to the Coastal Area District Development Authority to fill the unexpired term of Michael Owens created by his move to South Carolina, which term will expire in September 2008. Commissioner Farrell seconded the motion and it carried unanimously.

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Following the adjournment of the Executive Session, the Board members entered into a discussion regarding the status of the Counter Narcotics Team. Chairman Liakakis stated that he had spoken with individuals from all of the municipalities other than the City of Savannah and they expressed a desire that the CNT remain under the direction and control of Chatham County.

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**ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 1:30 p.m.

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

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PETE LIAKAKIS, CHAIRMAN, BOARD OF  
COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

\_\_\_\_\_  
SYBIL E. TILLMAN, CLERK OF COMMISSION